

**FORTY-NINTH DAY - APRIL 2, 2002****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 2, 2002

**PRAYER**

The prayer was offered by Senator Vrtiska.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Dierks, Erdman, Kristensen, Landis, Maxwell, McDonald, Price, Tyson, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

**RESOLUTION****LEGISLATIVE RESOLUTION 370.** Introduced by Jensen, 20.

**PURPOSE:** The Legislature recognizes the importance of Child Advocacy Centers. Currently there are Child Advocacy sites located in Grand Island, Kearney, Lincoln, Norfolk, Omaha, and Scottsbluff. The purpose of this study is to identify issues relevant to the efficient and competent operation of these facilities. A study of these facilities should include, but shall not be limited to, the following questions:

- (1) What services do they provide?;
- (2) How are they funded?;
- (3) How do they meet the requirements of LB 1184 (1992)?;

- (4) What are their budgets and expenses?;
- (5) What are their funding sources, private and public?; and
- (6) What is the state's role for future funding?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **GENERAL FILE**

**LEGISLATIVE BILL 1062A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 391.** E & R amendment, AM7173, printed separately and referred to on page 637, was adopted.

Senator Raikes renewed the Raikes et al. pending amendment, AM2837, found on page 743.

The Raikes et al. amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Tyson withdrew his pending amendment, AM2850, found on page 879.

Senator Chambers moved to indefinitely postpone LB 391.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 600.** E & R amendment, AM7175, printed separately and referred to on page 851, was adopted.

Senator Chambers moved to indefinitely postpone LB 600.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Coordsen offered the following amendment:  
(Amendment, AM3448, is on file in the Clerk's Office - Room 2018.)

Senators Brashear and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Coordsen amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 600.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 24:

Aguilar	Erdman	Pedersen, Dw.	Raikes	Thompson
Bourne	Foley	Pederson, D.	Robak	Tyson
Brown	Jensen	Preister	Smith	Wehrbein
Chambers	Landis	Price	Suttle	Wickersham
Engel	Maxwell	Quandahl	Synowiecki	

Voting in the negative, 21:

Baker	Connealy	Hudkins	McDonald	Vrtiska
Beutler	Coordsen	Janssen	Redfield	
Bromm	Cudaback	Jones	Schimek	
Bruning	Cunningham	Kremer	Schrock	
Byars	Dierks	Kruse	Stuhr	

Present and not voting, 1:

Hartnett

Excused and not voting, 3:

Brashear	Burling	Kristensen
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The Chambers motion to indefinitely postpone failed with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a roll call vote on the advancement of the bill.

Failed to advance to E & R for engrossment with 16 ayes, 27 nays, 3 present and not voting, and 3 excused and not voting.

## **RESOLUTIONS**

### **LEGISLATIVE RESOLUTION 371.** Introduced by Stuhr, 24.

**PURPOSE:** The purpose of this study is to clarify who is eligible to run for positions on the boards of educational service units comprising more than one county. Current statutory language is confusing and needs to be clarified. This study shall include, but is not limited to, consideration of the provisions governing the boards of educational service units and any other issue the committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 372.** Introduced by Redfield, 12.

**PURPOSE:** The purpose of this resolution is to review the taxation procedures of the Nebraska telecommunications industry. This study shall examine the system of taxation in each sector of the industry. The focus of this study shall be tax equity and simplification of the tax rates and tax bases and the examination of a change to a simplified comprehensive flat tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 373.** Introduced by Preister, 5.

**PURPOSE:** Currently power plants account for over seventy-five percent of the state's total air emissions. Public health effects from these emissions include respiratory illnesses, asthma, lead poisoning, and fish advisories.

The emissions also affect the natural resources of the state including all water bodies, crops, aquatic life, and ecosystems. Taxpayers shoulder public health and environmental protection costs through medicaid costs, regulatory costs, and other programs.

The purpose of the study is to develop legislation to reduce air emissions from power plants and to require power generators to pay the true cost of air emissions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature, in conjunction with the Health and Human Services Committee of the Legislature, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 374.** Introduced by Wehrbein, 2.

PURPOSE: To examine Nebraska's statutory protections of consumers when they make automobile purchases. The study shall include:

- (1) An examination of the length and extent of express and implied warranties under current Nebraska law; and

- (2) A comparison of Nebraska's automobile warranty statutes with those of other states.

The study may also propose possible statutory revisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 375.** Introduced by Wehrbein, 2.

PURPOSE: To conduct a comprehensive study and review of the fee structure of the Nebraska court system. The study shall examine the history and appropriateness of the current fee structure, including:

- (1) The rationale behind the current fee structure;

(2) The last time the fee structure was updated; and

(3) A comparison of Nebraska's court system fee structure with that of other states.

The study shall also examine the appropriateness of possible statutory changes and give a rationale for any proposed statutory changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 376.** Introduced by Wehrbein, 2.

PURPOSE: To examine sheriff's fees in Nebraska under section 33-117, including fees charged for service of a search warrant; service of summons, subpoena, or other motion or document of the court; or arrest under a search warrant. The study shall examine the history and appropriateness of the current fee structure, including:

(1) The rationale behind the current fee structure;

(2) The last time the fee structure was updated; and

(3) A comparison of the Nebraska's sheriff's fees structure with that of other states.

The study shall also examine the appropriateness of possible statutory changes and give a rationale for any proposed statutory changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 377.** Introduced by Synowiecki, 7.

PURPOSE: To conduct a comparative study of classified and non-classified employees in the State Personnel System pertaining to personnel policies, rules, and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the

Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 378.** Introduced by Quandahl, 31.

PURPOSE: LB 114 (2001) added consumption of alcoholic liquor by an underage person to the activities prohibited by statutes relating to minors in possession. The Legislature finds that the underage consumption of alcohol is on the rise and that the age in which minors begin to consume is getting lower. The Legislature should conduct an interim study to determine which penalties most effectively deter underage consumption of alcoholic liquor. The review may consist of, but is not limited to:

1. Which penalties or treatments would be most effective in deterring the consumption of alcohol by underage persons;

2. The impact of underage consumption of alcohol in the State of Nebraska;

3. The penalties, treatments, and strategies which are utilized by other states to deter underage consumption; and

4. The Legislature's responsibility in deterring underage consumption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 379.** Introduced by Quandahl, 31.

PURPOSE: Nebraska's notary laws have not been significantly revised in over thirty years. Over that period changes in technology and legal practices have left many areas of current notarial duties and issues unaddressed by state law.

The purpose of this resolution is to study the statutes relating to notaries public. Areas to be studied include, but are not limited to: Requirements for becoming a notary public; required and prohibited notary practices; bond and fee requirements; and notary laws in other states.

The committee shall solicit input from the Secretary of State, Nebraska Association of County Officials, representatives of the legal, financial, and real estate industries, and other interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 380.** Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine issues raised by the introduction of LB 1123 (2002) and LB 1200 (2002) relating to the County Purchasing Act. Included in this study shall be a review of the minimum bid and purchase amounts required for purchases of personal property or services by the county board or purchasing agent, the possibility of indexing these thresholds, and the potential use of cooperative purchasing agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 381.** Introduced by Thompson, 14.

PURPOSE: The Purpose Statement of the Protection and Safety System within the Health and Human Services System states: "The Protection and Safety System works collaboratively to ensure that the abused, neglected, dependent, or delinquent populations that it serves are safe from harm or maltreatment; in a permanent healthy nurturing and caring environment; with a stable family; that the effects of harm to the child or youth are diminished; and that communities are safe from harm by these children or youth." The purpose of this study is to review the services provided to the populations served by the two divisions within the Protection and Safety System, Children and Family Services and Juvenile Services, as well as the four outcome areas that are being evaluated in order to measure their performance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:



1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 470.** E & R amendment, AM7177, printed separately and referred to on page 984, was adopted.

Senator Kristensen renewed his pending amendment, AM3384, found on page 1275.

Senators Bromm and Jones offered the following amendment to the Kristensen pending amendment:

FA1037

Amend AM3384

page 1, line 3 after the word "eight" insert "officers including carrier enforcement officers as defined in sections 60-1301 to 60-1309 and officers of the State Patrol as defined in sections 81-2001 to 81-2009 assigned to the Carrier Enforcement Division

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm-Jones amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The Kristensen amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 470A.** E & R amendment, AM7178, found on page 984, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1211.** E & R amendment, AM7180, printed separately and referred to on page 984, was adopted.

Senator Bromm renewed his pending amendment, AM3060, found on page 972.

Senator Beutler offered the following amendment to the Bromm pending amendment:

AM3469

(Amendments to AM3060)

- 1 1. On page 9, line 16, strike "may require an audit of
- 2 any" and insert "shall on an irregular basis audit the"; in line 17
- 3 strike "company concerning" and insert "companies to insure"; and
- 4 in line 18 after "service" insert ". The commission shall be
- 5 reimbursed for costs of any audits performed pursuant to this
- 6 subdivision from the fund".

The Beutler amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

### SENATOR COORDSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment, as amended, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Bromm renewed his pending amendment, AM3265, found on page 1129.

Senators Redfield, Maxwell, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 382.** Introduced by Thompson, 14.

**PURPOSE:** The purpose of this resolution is to examine the process used by the health and human services system to designate children as not being eligible for Title IV-E federal funds. This study shall include an examination of the fiscal impact caused by the designating of eligible children as ineligible and a review of what steps the health and human services system has taken to more accurately identify children who may be eligible for Title IV-E funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 383.** Introduced by Stuhr, 24.

PURPOSE: The Legislature recognizes that retirement benefits are an important factor for many state employees. Maximizing the earnings and benefits of retirement plans while controlling costs is a goal of the retirement plan providers. Because of this, it is necessary to look at available alternatives that can provide additional benefits to employees while controlling costs for the state. One program that is being used throughout the country is a deferred retirement option program (DROP), which allows an alternative method for payment of retirement benefits for a specified and limited period of time.

In order to determine if this type of program would be beneficial to employees of the state, the Nebraska Retirement Systems Committee of the Legislature should study different types of deferred retirement option plans used throughout the country. This study shall include, but not be limited to, a review of eligibility requirements, participation limits, and benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT - Print in Journal**

Senator Vrtiska filed the following amendment to LB 1085:  
AM3303

(Amendments to E & R amendments, AM7211)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 53-160, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-160. (1) For the purpose of raising revenue, a tax is
- 5 imposed upon the privilege of engaging in business as a
- 6 manufacturer or a wholesaler at a rate of ~~twenty-three~~ twenty-eight
- 7 cents per gallon on all beer; seventy-five cents per gallon for
- 8 wine containing not more than fourteen percent but not less than
- 9 five-tenths of one percent of alcohol by volume and one dollar and
- 10 thirty-five cents per gallon for wines and other dilute alcoholic
- 11 beverages containing more than fourteen percent of alcohol by
- 12 volume, except for wines produced in farm wineries; five cents per
- 13 gallon for wine produced in farm wineries; and three dollars per
- 14 gallon on alcohol and spirits manufactured and sold by such
- 15 manufacturer or shipped for sale in this state by such wholesaler
- 16 in the course of such business. The gallonage tax imposed by this

17 subsection shall be imposed only on alcoholic liquor upon which a  
18 federal excise tax is imposed.

19 (2) Manufacturers or wholesalers of alcoholic liquor  
20 shall be exempt from the payment of the gallonage tax on such  
21 alcoholic liquor upon satisfactory proof, including bills of lading  
22 furnished to the commission by affidavit or otherwise as the  
23 commission may require, that such alcoholic liquor was manufactured  
1 in this state but shipped out of the state for sale and consumption  
2 outside this state.

3 (3) Dry wines or fortified wines manufactured or shipped  
4 into this state solely and exclusively for sacramental purposes and  
5 uses shall not be subject to the gallonage tax.

6 (4) The gallonage tax shall not be imposed upon any  
7 alcoholic liquor, whether manufactured in or shipped into this  
8 state, when sold to a licensed nonbeverage user for use in the  
9 manufacture of any of the following when such products are unfit  
10 for beverage purposes: Patent and proprietary medicines and  
11 medicinal, antiseptic, and toilet preparations; flavoring extracts,  
12 syrups, food products, and confections or candy; scientific,  
13 industrial, and chemical products, except denatured alcohol; or  
14 products for scientific, chemical, experimental, or mechanical  
15 purposes.

16 (5) The gallonage tax shall not be imposed upon the  
17 privilege of engaging in any business in interstate commerce or  
18 otherwise, which business may not, under the Constitution and  
19 statutes of the United States, be made the subject of taxation by  
20 this state.

21 (6) The gallonage tax shall be in addition to all other  
22 occupation or privilege taxes imposed by this state or by any  
23 municipal corporation or political subdivision thereof.

24 (7) The commission shall collect the gallonage tax and  
25 shall account for and remit to the State Treasurer at least once  
26 each week all money collected pursuant to this section. If any  
27 alcoholic liquor manufactured in or shipped into this state is sold  
1 to a licensed manufacturer or wholesaler of this state to be used  
2 solely as an ingredient in the manufacture of any beverage for  
3 human consumption, the tax imposed upon such manufacturer or  
4 wholesaler shall be reduced by the amount of the taxes which have  
5 been paid as to such alcoholic liquor so used under the Nebraska  
6 Liquor Control Act. The net proceeds of ~~any~~ revenue arising under  
7 this section shall be credited to the General Fund, except that  
8 beginning July 1, 2002, the State Treasurer shall credit the  
9 equivalent of five cents of the gallonage tax collected on beer to  
10 the Building Renewal Allocation Fund."

11 2. Renumber the remaining sections accordingly and  
12 correct the operative date section and the repealer so that the  
13 section added by this amendment becomes operative on July 1, 2002.

**VISITORS**

Visitors to the Chamber were 24 third-grade students and teachers from East Butler Elementary School, Brainard; 54 fourth-grade students and teachers from Lincoln Elementary School, Beatrice; fourth-, fifth-, and sixth-grade students from Johnson and Gajewski Home School, Papillion; and 24 fifth-grade students and teacher from Walthill Elementary School, Winnebago.

**RECESS**

At 12:02 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Bruning, Coordsen, and Dw. Pedersen who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 1211.** The Bromm pending amendment, AM3265, found on page 1129 and considered on page 1288, was renewed.

The Bromm amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Wehrbein asked unanimous consent to bracket LB 1211 until April 9, 2002. No objections. So ordered.

**LEGISLATIVE BILL 1172.** E & R amendment, AM7179, found on page 984, was adopted.

Senator Raikes withdrew his pending amendment, AM3147, found on page 1004.

Senator Raikes renewed his pending amendment, AM3375, found on page 1208.

Senator Beutler offered the following amendment to the Raikes pending amendment:  
AM3473

(Amendments to AM3375)

- 1 1. On page 2, line 19, after "furnish" insert "minor";
- 2 and in line 24 strike "clothing" and insert "nonspecialized
- 3 attire".

The Beutler amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Raikes amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 1089.** E & R amendment, AM7182, found on page 985, was adopted.

Senator Cunningham offered the following amendment:  
AM3447

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 8-910, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 8-910. (1) It shall be unlawful, except as provided in
- 5 this section, for:
- 6 (a) Any action to be taken that causes any company to
- 7 become a bank holding company;
- 8 (b) Any action to be taken that causes a bank to become a
- 9 subsidiary of a bank holding company;
- 10 (c) Any bank holding company to acquire direct or
- 11 indirect ownership or control of any voting shares of any bank if,
- 12 after such acquisition, such company will directly or indirectly
- 13 own or control more than twenty-five percent of the voting shares
- 14 of such bank;
- 15 (d) Any bank holding company or subsidiary thereof, other
- 16 than a bank, to acquire all or substantially all of the assets of a
- 17 bank; or
- 18 (e) Any bank holding company to merge or consolidate with
- 19 any other bank holding company.
- 20 (2) The prohibition set forth in subsection (1) of this
- 21 section shall not apply if:
- 22 (a)(i) The bank holding company is registered with the
- 23 department as of September 29, 1995, as a bank holding company for
- 24 any bank or banks; or (ii) the bank holding company registers with
- 1 the department in accordance with the provisions of section 8-913
- 2 as a bank holding company;
- 3 (b) The bank holding company does not have a name
- 4 deceptively similar to an existing unaffiliated bank or bank
- 5 holding company located in Nebraska;
- 6 (c) Upon any action referred to in subsection (1) of this
- 7 section and subject to subsection (3) of this section, the bank or
- 8 banks so owned or controlled would have deposits in Nebraska in an
- 9 amount no greater than ~~fourteen~~ twenty-two percent of the total

10 deposits of all banks in Nebraska plus the total deposits, savings  
11 accounts, passbook accounts, and shares in savings and loan  
12 associations and building and loan associations in Nebraska as  
13 determined by the director on the basis of the most recent midyear  
14 reports, except as provided in subsections (4) and (5) of this  
15 section;

16 (d) The bank holding company is adequately capitalized  
17 and adequately managed;

18 (e) The bank holding company complies with sections  
19 8-1501 to 8-1505 if the bank or banks to be acquired are chartered  
20 in this state under the Nebraska Banking Act; and

21 (f) The bank holding company, if an out-of-state bank  
22 holding company, complies with the limitations of section 8-911.

23 (3) If any person, association, partnership, limited  
24 liability company, or corporation owns or controls twenty-five  
25 percent or more of the voting stock of any bank holding company  
26 acquiring a bank and any such person, association, partnership,  
27 limited liability company, or corporation owns or controls  
1 twenty-five percent or more of the voting stock of any other bank  
2 or bank holding company in Nebraska, then the total deposits of  
3 such other bank or banks and of all banks in Nebraska owned or  
4 controlled by such bank holding company shall be included in the  
5 computation of the total deposits of a bank holding company  
6 acquiring a bank.

7 (4) A bank or bank holding company which acquires and  
8 holds all or substantially all of the voting stock of one newly  
9 established bank under sections 8-1512 and 8-1513 shall not have  
10 such acquisition count against the limitations set forth in  
11 subdivision (2)(c) of this section.

12 (5) A bank holding company which acquired an institution  
13 or which formed a bank which acquired an institution under sections  
14 8-1506 to 8-1510 or which acquired any assets and liabilities from  
15 the Resolution Trust Corporation or the Federal Deposit Insurance  
16 Corporation prior to January 1, 1994, shall not have such  
17 acquisition or formation count against the limitations set forth in  
18 subdivision (2)(c) of this section."

19 2. On page 5, line 18, strike the old matter, show as  
20 stricken, and insert

21 "(2)(a)(i) Except as provided in subdivision (2)(a)(ii)  
22 of this section, with the approval of the director, any bank  
23 located in this state may establish and maintain in this state an  
24 unlimited number of branches at which all banking transactions  
25 allowed by law may be made.

26 (ii) Any bank that owns or controls more than twenty-two  
27 percent of the total deposits in Nebraska, as described in  
1 subdivision (2)(c) of section 8-910 and computed in accordance with  
2 subsection (3) of section 8-910, or any bank that is a subsidiary  
3 of a bank holding company that owns or controls more than  
4 twenty-two percent of the total deposits in Nebraska, as described

5 in subdivision (2)(c) of section 8-910 and computed in accordance  
6 with subsection (3) of section 8-910, shall not establish and  
7 maintain an unlimited number of branches as provided in subdivision  
8 (2)(a)(i) of this section. With the approval of the director, a  
9 bank as described in this subdivision may establish and maintain in  
10 the county in which such bank is located an unlimited number of  
11 branches at which all banking transactions allowed by law may be  
12 made, except that if such bank is located in a Class I or Class III  
13 county, such bank may establish and maintain in Class I and Class  
14 III counties an unlimited number of branches at which all banking  
15 transactions allowed by law may be made.

16 (iii) Any bank which establishes and maintains branches  
17 pursuant to subdivision (2)(a)(i) of this section and which  
18 subsequently becomes a bank as described in subdivision (2)(a)(ii)  
19 of this section shall not be subject to the limitations as to  
20 location of branches contained in subdivision (2)(a)(ii) of this  
21 section (A) with regard to any such established branch, and shall  
22 continue to be entitled to maintain any such established branch as  
23 if such bank had not become a bank as described in subdivision  
24 (2)(a)(ii) of this section and (B) with regard to any Class I, II,  
25 III, or IV county in which such bank has established and maintains  
26 a branch or branches pursuant to subdivision (2)(a)(i) of this  
27 section, and shall continue to be entitled to establish and  
1 maintain an unlimited number of branches in such county as if such  
2 bank had not become a bank as described in subdivision (2)(a)(ii)  
3 of this section."; and strike lines 26 through 28 and show the old  
4 matter as stricken.

5 3. On page 6, strike lines 1 and 2 and show the old  
6 matter as stricken.

7 4. On page 8, line 10, strike "and" and show as  
8 stricken; in line 12 after "of" insert "at least fifty thousand  
9 and"; and in line 13 after "census" insert "and

10 (v) Class V county means a county in this state with a  
11 population of less than fifty thousand as determined by the most  
12 recent federal decennial census".

13 5. In the E & R amendments, AM7182:

14 a. Strike amendments 1 and 9 and renumber the remaining  
15 amendments accordingly; and

16 b. On page 1, strike beginning with the semicolon in  
17 line 4 through the quotation mark in line 5.

Senator Cunningham asked unanimous consent to replace his pending amendment, AM3447, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Cunningham withdrew his pending amendment, AM3447, found in this day's Journal.

Senators Bromm, Cunningham, and Kristensen offered the following substitute amendment:



AM3331

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 8-910, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 8-910. (1) It shall be unlawful, except as provided in
- 5 this section, for:
- 6 (a) Any action to be taken that causes any company to
- 7 become a bank holding company;
- 8 (b) Any action to be taken that causes a bank to become a
- 9 subsidiary of a bank holding company;
- 10 (c) Any bank holding company to acquire direct or
- 11 indirect ownership or control of any voting shares of any bank if,
- 12 after such acquisition, such company will directly or indirectly
- 13 own or control more than twenty-five percent of the voting shares
- 14 of such bank;
- 15 (d) Any bank holding company or subsidiary thereof, other
- 16 than a bank, to acquire all or substantially all of the assets of a
- 17 bank; or
- 18 (e) Any bank holding company to merge or consolidate with
- 19 any other bank holding company.
- 20 (2) The prohibition set forth in subsection (1) of this
- 21 section shall not apply if:
- 22 (a)(i) The bank holding company is registered with the
- 23 department as of September 29, 1995, as a bank holding company for
- 24 any bank or banks; or (ii) the bank holding company registers with
- 1 the department in accordance with the provisions of section 8-913
- 2 as a bank holding company;
- 3 (b) The bank holding company does not have a name
- 4 deceptively similar to an existing unaffiliated bank or bank
- 5 holding company located in Nebraska;
- 6 (c) Upon any action referred to in subsection (1) of this
- 7 section and subject to subsection (3) of this section, the bank or
- 8 banks so owned or controlled would have deposits in Nebraska in an
- 9 amount no greater than ~~fourteen~~ twenty-two percent of the total
- 10 deposits of all banks in Nebraska plus the total deposits, savings
- 11 accounts, passbook accounts, and shares in savings and loan
- 12 associations and building and loan associations in Nebraska as
- 13 determined by the director on the basis of the most recent midyear
- 14 reports, except as provided in subsections (4) and (5) of this
- 15 section;
- 16 (d) The bank holding company is adequately capitalized
- 17 and adequately managed;
- 18 (e) The bank holding company complies with sections
- 19 8-1501 to 8-1505 if the bank or banks to be acquired are chartered
- 20 in this state under the Nebraska Banking Act; and
- 21 (f) The bank holding company, if an out-of-state bank
- 22 holding company, complies with the limitations of section 8-911.
- 23 (3) If any person, association, partnership, limited
- 24 liability company, or corporation owns or controls twenty-five

25 percent or more of the voting stock of any bank holding company  
26 acquiring a bank and any such person, association, partnership,  
27 limited liability company, or corporation owns or controls  
1 twenty-five percent or more of the voting stock of any other bank  
2 or bank holding company in Nebraska, then the total deposits of  
3 such other bank or banks and of all banks in Nebraska owned or  
4 controlled by such bank holding company shall be included in the  
5 computation of the total deposits of a bank holding company  
6 acquiring a bank.

7 (4) A bank or bank holding company which acquires and  
8 holds all or substantially all of the voting stock of one newly  
9 established bank under sections 8-1512 and 8-1513 shall not have  
10 such acquisition count against the limitations set forth in  
11 subdivision (2)(c) of this section.

12 (5) A bank holding company which acquired an institution  
13 or which formed a bank which acquired an institution under sections  
14 8-1506 to 8-1510 or which acquired any assets and liabilities from  
15 the Resolution Trust Corporation or the Federal Deposit Insurance  
16 Corporation prior to January 1, 1994, shall not have such  
17 acquisition or formation count against the limitations set forth in  
18 subdivision (2)(c) of this section."

19 2. On page 5, line 18, strike the old matter, show as  
20 stricken, and insert

21 "(2)(a)(i) Except as provided in subdivision (2)(a)(ii)  
22 of this section, with the approval of the director, any bank  
23 located in this state may establish and maintain in this state an  
24 unlimited number of branches at which all banking transactions  
25 allowed by law may be made.

26 (ii) Any bank that owns or controls more than twenty-two  
27 percent of the total deposits in Nebraska, as described in  
1 subdivision (2)(c) of section 8-910 and computed in accordance with  
2 subsection (3) of section 8-910, or any bank that is a subsidiary  
3 of a bank holding company that owns or controls more than  
4 twenty-two percent of the total deposits in Nebraska, as described  
5 in subdivision (2)(c) of section 8-910 and computed in accordance  
6 with subsection (3) of section 8-910, shall not establish and  
7 maintain an unlimited number of branches as provided in subdivision  
8 (2)(a)(i) of this section. With the approval of the director, a  
9 bank as described in this subdivision may establish and maintain in  
10 the county in which such bank is located an unlimited number of  
11 branches at which all banking transactions allowed by law may be  
12 made, except that if such bank is located in a Class I or Class III  
13 county, such bank may establish and maintain in Class I and Class  
14 III counties an unlimited number of branches at which all banking  
15 transactions allowed by law may be made.

16 (iii) Any bank which establishes and maintains branches  
17 pursuant to subdivision (2)(a)(i) of this section and which  
18 subsequently becomes a bank as described in subdivision (2)(a)(ii)  
19 of this section shall not be subject to the limitations as to

20 location of branches contained in subdivision (2)(a)(ii) of this  
 21 section with regard to any such established branch, and shall  
 22 continue to be entitled to maintain any such established branch as  
 23 if such bank had not become a bank as described in subdivision  
 24 (2)(a)(ii) of this section"; and strike lines 26 through 28 and  
 25 show the old matter as stricken.  
 26 3. On page 6, strike lines 1 and 2 and show the old  
 27 matter as stricken.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm et al. amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

## STANDING COMMITTEE REPORT

### Revenue

**LEGISLATIVE BILL 1149.** Placed on General File as amended.  
 Standing Committee amendment to LB 1149:  
 AM3477

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 68-1020, Revised Statutes  
 4 Supplement, 2001, is amended to read:  
 5 68-1020. (1) Medical assistance shall be paid on behalf  
 6 of ~~(a) dependent children, aged persons, blind individuals, and~~  
 7 ~~disabled individuals~~ (b) ~~aged, blind, and disabled persons~~, as  
 8 defined in sections 43-504 and 68-1002 to 68-1005, and ~~on behalf of~~  
 9 ~~all individuals~~ (c) all persons less than twenty-one years of age  
 10 who are eligible under section 1905(a) of the federal Social  
 11 Security Act, as such section existed on ~~September 1, 2001~~ January  
 12 1, 2002.  
 13 (2) The ~~Director of~~ Department of Health and Human  
 14 Services Finance and Support shall adopt and promulgate rules and  
 15 regulations governing provision of ~~such~~ medical assistance benefits  
 16 to qualified individuals:  
 17 (a) Who are presumptively eligible as allowed under 42  
 18 U.S.C. 1396a, as such section existed on ~~September 1, 2001~~ January  
 19 1, 2002, and sections 1920A and 1920B of the federal Social  
 20 Security Act, as such sections existed on ~~September 1, 2001~~ January  
 21 1, 2002. Presumptively eligible children under this subdivision  
 22 who are determined after review by the department to be ineligible  
 23 because of income under subdivision (b) of this subsection shall  
 24 not be presumptively eligible for six months after the date of such  
 1 determination of ineligibility;  
 2 (b) Who have ~~income at or below~~ family net income equal

3 ~~to or less than~~ one hundred eighty-five percent of the Office of  
4 Management and Budget ~~poverty line income poverty guideline~~, as  
5 allowed under Title XIX and Title XXI of the federal Social  
6 Security Act, as such titles existed on ~~September 1, 2001~~ January  
7 1, 2002, without regard to resources, including all children under  
8 nineteen years of age and pregnant women as allowed under 42 U.S.C.  
9 1396a, as such section existed on ~~September 1, 2001~~ January 1,  
10 2002, and section 2110 of the federal Social Security Act, as such  
11 section existed on ~~September 1, 2001~~. ~~Children described in this~~  
12 ~~subdivision shall remain eligible for a twelve-month period of time~~  
13 ~~from the date of eligibility prior to redetermination of~~  
14 ~~eligibility~~ January 1, 2002. Eligible children under this  
15 subdivision with family net income equal to or less than one  
16 hundred fifty percent of the Office of Management and Budget income  
17 poverty guideline shall remain eligible for twelve consecutive  
18 months after the date of each determination or redetermination of  
19 eligibility prior to any subsequent redetermination of eligibility,  
20 and children described in this subdivision with family net income  
21 greater than one hundred fifty percent but equal to or less than  
22 one hundred eighty-five percent of the Office of Management and  
23 Budget income poverty guideline shall remain eligible for six  
24 consecutive months after the date of each determination or  
25 redetermination of eligibility prior to any subsequent  
26 redetermination of eligibility; or

27 (c) Who are medically needy caretaker relatives as  
1 allowed under section 1905(a)(ii) of the federal Social Security  
2 Act, as such section existed on ~~September 1, 2001~~ January 1, 2002,  
3 and who have children with allocated income as follows:  
4 (i) At or below one hundred fifty percent of the Office  
5 of Management and Budget ~~poverty line income poverty guideline~~  
6 with eligible children one year of age or younger;  
7 (ii) At or below one hundred thirty-three percent of the  
8 Office of Management and Budget ~~poverty line income poverty~~  
9 guideline with eligible children over one year of age and under six  
10 years of age; or  
11 (iii) At or below one hundred percent of the Office of  
12 Management and Budget ~~poverty line income poverty guideline~~ with  
13 eligible children six years of age or more and under fifteen years  
14 of age.

15 (3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),  
16 as such section existed on ~~September 1, 2001~~ January 1, 2002,  
17 medical assistance shall be paid on behalf of disabled persons as  
18 defined in section 68-1005 who are in families whose net income is  
19 less than two hundred fifty percent of the Office of Management and  
20 Budget income poverty ~~line guideline~~ applicable to a family of the  
21 size involved and who but for earnings in excess of the limit  
22 established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social  
23 Security Act, as such section existed on ~~September 1, 2001~~ January  
24 1, 2002, would be considered to be receiving federal Supplemental

25 Security Income. The Department of Health and Human Services shall  
 26 apply for a waiver to disregard any unearned income that is  
 27 contingent upon a trial work period in applying the Supplemental  
 1 Security Income standard. Such disabled persons shall be subject  
 2 to payment of premiums as a percentage of the family's net income  
 3 beginning at not less than two hundred percent of the Office of  
 4 Management and Budget net income poverty ~~line~~ guideline. Such  
 5 premiums shall be graduated based on family income and shall not be  
 6 less than two percent or more than ten percent of family net  
 7 income.

8 (4) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),  
 9 as such section existed on ~~September 1, 2001~~ January 1, 2002,  
 10 medical assistance shall be paid on behalf of persons who:

11 (a) Have been screened for breast and cervical cancer  
 12 under the Centers for Disease Control and Prevention breast and  
 13 cervical cancer early detection program established under Title XV  
 14 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,  
 15 as such sections existed on ~~September 1, 2001~~ January 1, 2002, in  
 16 accordance with the requirements of section 1504 of such act, 42  
 17 U.S.C. 300n, as such section existed on ~~September 1, 2001~~ January  
 18 1, 2002, and who need treatment for breast or cervical cancer,  
 19 including precancerous and cancerous conditions of the breast or  
 20 cervix;

21 (b) Are not otherwise covered under creditable coverage,  
 22 as defined in section 2701(c) of the federal Public Health Service  
 23 Act, 42 U.S.C. 300gg(c), as such section existed on ~~September 1,~~  
 24 ~~2001~~ January 1, 2002;

25 (c) Have not attained sixty-five years of age; and

26 (d) Are not eligible for medicaid under any mandatory  
 27 categorically needy eligibility group.

1 Sec. 2. This act becomes operative on July 1, 2002.

2 Sec. 3. Original section 68-1020, Revised Statutes  
 3 Supplement, 2001, is repealed.

4 Sec. 4. Since an emergency exists, this act becomes  
 5 effective when passed and approved according to law."

(Signed) William R. Wickersham, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 384.** Introduced by Schrock, 38.

PURPOSE: To examine the federal Safe Drinking Water Act as the act relates to the State of Nebraska, its counties, and its cities; and to examine methods of funding for the cities and counties of Nebraska to comply with the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 385.** Introduced by Raikes, 25.

PURPOSE: To study the revenue implications of revising the state's income tax by reducing the number of brackets and rates and eliminating the personal exemption credit as well as standard and itemized deductions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 386.** Introduced by Dierks, 40; Chambers, 11.

WHEREAS, the economy of rural Nebraska is suffering during the current economic downturn and never enjoyed fully the benefits of the economic prosperity of the late 1990's; and

WHEREAS, all 48 Nebraska counties identified as rural are losing population and jobs primarily because young people are leaving those counties; and

WHEREAS, rural areas of Nebraska are in need of focused efforts to identify and develop new means of economic survival and vitality; and

WHEREAS, that within the four campuses of the University of Nebraska there are unique resources that can be applied to address critical, unique, and urgent economic development needs of rural communities, businesses (including farming and ranching), organizations, and other individual enterprises; and

WHEREAS, because of its land grant status, the University of Nebraska has both the obligation and the expertise to apply its research and outreach capabilities toward improving the economic and social climate of rural Nebraska and in realizing new economic opportunities; and

WHEREAS, the University of Nebraska has formulated the Rural Initiative, calling on experts from all campuses within the university system to assist rural Nebraska by developing new initiatives and specific programs, services, and assistance in the areas of business development

entrepreneurship, e-business for small businesses, expansion of distance education, telehealth, telemedicine, value-added agriculture, youth and young adult development, and food systems security; and

WHEREAS, the University of Nebraska is working in partnership with the expertise and resources of public and private individuals and organizations also working in the area of rural economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature endorses the efforts of the University of Nebraska in carrying out the objectives of the Rural Initiative.

2. The Legislature urges the University of Nebraska to provide collaborative leadership and continue its partnership activities with other entities working in the area of rural economic development.

3. The Legislature urges the University of Nebraska to continue to strive for excellence in the area of rural development.

4. The Legislature urges the creation of an advisory body consisting of internal and external representatives interested in the well-being of rural Nebraska to advise on priorities for the Rural Initiative's programs, services, and policy strategies.

Laid over.

#### **LEGISLATIVE RESOLUTION 387.** Introduced by Dierks, 40.

PURPOSE: This study shall examine the impacts of market concentration on the processing, retail, and farm input sectors of the food system on production agriculture and on rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **LEGISLATIVE RESOLUTION 388.** Introduced by Dierks, 40.

PURPOSE: This study shall examine the vulnerability of production agriculture and food systems in Nebraska to deliberate acts of sabotage and economic disruption such as the purposeful introduction of plant and animal diseases, contamination of the food supply, and public misinformation. The study shall:

(1) Review and summarize relevant literature on the subject, as well as engage the expertise of persons knowledgeable in this field;

(2) Catalogue federal programs and funding sources to assist states in

increasing the resiliency of agricultural systems to terroristic activity;

(3) Examine state programs and planning efforts toward prevention and preparedness; and

(4) Make any recommendations for prudent state actions to increase food system security.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 389.** Introduced by Dierks, 40.

PURPOSE: To examine the feasibility and desirability of implementing a means of informing consumers of the country of origin of meats and meat products at the retail level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 390.** Introduced by Dierks, 40.

PURPOSE: In 2000, the Legislature enacted LB 957 creating the Carbon Sequestration Advisory Committee and directing that a report be prepared with the assistance of the committee to advise the Legislature and state policy makers on matters of agricultural participation in carbon sequestration and in potential carbon trading markets. Such document entitled, "Carbon Sequestration, Greenhouse Gas Emissions, and Nebraska Agriculture," was completed and contains four recommendations for further activity in this area. This study shall examine the feasibility and desirability of implementing the recommendations of the Carbon Sequestration Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.



2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 391.** Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to consider the benefits and procedures of accrediting educational service units.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 392.** Introduced by Brashear, 4.

PURPOSE: Practitioners, professionals, administrators, and policymakers have acknowledged a necessity for a comprehensive and extensive review and analysis of the Nebraska Juvenile Code. The Center on Children, Families, and the Law at the University of Nebraska has completed a comprehensive revision of the Nebraska Juvenile Code. An examination of such document shall identify specific issues in relation to the recodification of the Nebraska Juvenile Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 393.** Introduced by Brashear, 4.

PURPOSE: To conduct a comprehensive study and review of community corrections in Nebraska. Such a review shall identify specific issues to consider and propose appropriate revisions or changes to statutes regarding community corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 394.** Introduced by Raikes, 25.

PURPOSE: To study the formula needs component of the state aid formula pursuant to the Tax Equity and Educational Opportunities Support Act and make recommendations for legislation. The study shall consider, but not be limited to, the following:

(1) The policy goals that the formula needs component of the state aid formula currently supports;

(2) The policy goals that the formula needs component of the state aid formula should be designed to support in the future;

(3) The methods used by other states to arrive at the equivalent of formula needs;

(4) Changes in the calculation of formula needs that would support the policy goals for the future; and

(5) Other topics as determined by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 395.** Introduced by Bruning, 3.

PURPOSE: The purpose of this resolution is to review the statutory provisions that pertain to the operation of the Nebraska Investment Council. More specifically, the resolution will examine the duties and responsibilities of both the state investment officer and the council, as well as their fiduciary duties.

Should the study reveal that it is possible to make the recommended changes, the appropriate legislation will be prepared for introduction during the next legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee consisting of representatives from Nebraska's public employees' retirement systems, the Nebraska Investment Council, and the

Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 396.** Introduced by Brashear, 4.

**PURPOSE:** The purpose of the study is to examine the issue of controlled substances relating to methamphetamine problems within the State of Nebraska. Due to an increase in drug activities taking place within the State of Nebraska, a study to work towards curbing drug-related crime would be beneficial to all citizens. This study will include law enforcement personnel, county attorneys, firefighters, physicians, members from the Department of Health and Human Services, as well as members of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 397.** Introduced by Quandahl, 31.

**PURPOSE:** The Legislature finds that nonconsensual common-law liens are being filed in Nebraska against the property of others. A nonconsensual common-law lien:

- (1) Is not provided for by a specific state or federal statute;
- (2) Does not depend on the consent of the owner of the real or personal property; and
- (3) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction.

The Secretary of State has seen an increase in the filing of these nonconsensual common-law liens in recent months.

The Legislature shall conduct an interim study to determine what can be done to help strengthen the current lien statutes.

The Banking, Commerce and Insurance Committee of the Legislature shall solicit input from the Secretary of State, county clerks, registers of deeds, clerks of courts, and other filing offices in which a nonconsensual common-law lien prohibition would apply and from other interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 398.** Introduced by Quandahl, 31.

**PURPOSE:** To study current Nebraska statutes regarding the awarding of prejudgment and postjudgment interest and attorney's fees in certain civil cases and to study the feasibility of attaching an immediate judgment lien to all real estate in the county upon the entry of the judgment regardless of the classification of the Nebraska court that originates the judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 399.** Introduced by Preister, 5; Burling, 33; Synowiecki, 7; Redfield, 12; Hartnett, 45; Janssen, 15; Beutler, 28; Stuhr, 24; Bourne, 8; Connealy, 16; Schimek, 27; Jensen, 20; Hudkins, 21; Suttle, 10; Thompson, 14.

**PURPOSE:** The purpose of this study is to take the information that has been learned from other states' experiences with private contracting for personal services and utilize these lessons as management tools for increasing cost efficiencies, accountability, coordination, planning, oversight, and training regarding the use of personal service contracts by Nebraska state agencies.

In addition, the study shall also:

(1) Examine public records and open meetings issues as they may relate to personal services provided by private contractors;

(2) Amend and broaden current statutory requirements in section 73-301 et seq. to provide assurance that, prior to entering into a personal services contract with a private entity, written cost-savings analysis will be conducted;

(3) Examine possible legislation to require that, if agencies reduce operating budgets, agencies must first reduce spending on personal service contracts before laying off permanent employees;

(4) Examine public employees' morale, layoffs, agency job vacancies, and

turnover rates, and compare salaries paid to state employees and private contractors who are carrying out similar or same job responsibilities; and

(5) Monitor the implementation of the Nebraska Information System to ensure that information can be compiled regarding the dollar amount expended for personal service contracts and the full-time equivalent staff associated with such personal service contracts by agency and program within the human resource or accounting component of the system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor, Appropriations, Health and Human Services, and Government, Military and Veterans Affairs Committees of the Legislature, in consultation with NAPE/AFSCME, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **MOTION - Print in Journal**

Senator Thompson filed the following motion to LB 1073A:  
Indefinitely postpone.

### **AMENDMENTS - Print in Journal**

Senator Smith filed the following amendment to LB 1073:  
AM3470

(Amendments to E & R amendments, AM7197)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-601, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 60-601. Sections 60-601 to 60-6,374 and section 2 of
- 5 this act shall be known and may be cited as the Nebraska Rules of
- 6 the Road.
- 7 Sec. 2. No driver shall operate a motor vehicle upon a
- 8 highway or street in this state if the driver or any passenger in
- 9 the vehicle is smoking when a minor under the age of eighteen years
- 10 is a passenger in the vehicle. Any person who violates this
- 11 section shall be guilty of a traffic infraction and shall be fined
- 12 twenty-five dollars, but no court costs shall be assessed against
- 13 him or her nor shall any points be assessed against the driving
- 14 record of such person."
- 15 2. Renumber the remaining sections and correct the
- 16 repealer section accordingly.

Senator Schroek filed the following amendment to LB 1003:  
AM3486

(Amendments to E & R amendments, AM7187)

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 37-353, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 37-353. (1) All conservation officers, all wildlife
- 5 managers employed by the commission, and all other staff designated
- 6 by the commission shall be authorized to take any wildlife from the
- 7 wild that has escaped captivity, is diseased, is needed for
- 8 scientific study, is considered dangerous to human, wildlife, or
- 9 livestock health, is damaging agricultural crops, or is otherwise
- 10 deemed unsuitable to remain in the wild, as stipulated in rules and
- 11 regulations adopted and promulgated by the commission.
- 12 (2) If there is reasonable suspicion to believe that any
- 13 wildlife that is diseased, is needed for scientific study of
- 14 disease, or is considered dangerous to human, wildlife, or
- 15 livestock health, is present on any property, the commission or its
- 16 designated employee or employees shall make a reasonable attempt to
- 17 gain access to the property by permission of the property owner,
- 18 tenant, lessee, occupant, or person in control of the property. If
- 19 such attempt is not successful or is impracticable, the commission
- 20 or its designated employee or employees may enter the property to
- 21 take wildlife that is diseased, needed for scientific study of
- 22 disease, or considered dangerous to human, wildlife, or livestock
- 23 health. Immediately subsequent to any entry on the property, the
- 1 commission or its designated employee or employees shall notify the
- 2 property owner, tenant, lessee, occupant, or person in control of
- 3 the property regarding the activities of the commission's
- 4 designated employee or employees on such property. The property
- 5 owner shall retain all legal rights to recover damages from such
- 6 entry, except that damages for trespass shall not be available.
- 7 Any entry by the commission or its designated employee or employees
- 8 onto property for the purpose of taking wildlife that is diseased,
- 9 needed for scientific study of disease, or considered dangerous to
- 10 human, wildlife, or livestock health shall not be subject to
- 11 prosecution under sections 28-521 or 37-722."
- 12 2. Renumber the remaining sections and correct the
- 13 repealer and internal references accordingly.

Senator Wickersham filed the following amendment to LB 1085:  
AM3440

(Amendments to E & R amendments, AM7211)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-2702.09, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2702.09. Occasional sale shall mean:
- 5 (1) A sale, but not a lease or rental, of property which
- 6 is the subject of any intercompany sale or transfer involving any

7 parent, subsidiary, or brother-sister company relationship under  
8 section 77-2704.28 and which was either originally acquired prior  
9 to June 1, 1967, or, if acquired thereafter, the seller or  
10 transferor directly or indirectly has previously paid a sales or  
11 use tax thereon, including:

12 (a) From one corporation to another corporation pursuant  
13 to a reorganization. For purposes of this subdivision,  
14 reorganization shall mean a statutory merger or consolidation or  
15 the acquisition by a corporation of substantially all of the  
16 properties of another corporation when the consideration is solely  
17 all or a part of the voting stock of the acquiring corporation or  
18 of its parent or subsidiary corporation;

19 (b) In connection with the winding up, dissolution, or  
20 liquidation of a corporation only when there is a distribution of  
21 the property of such corporation to the shareholders in kind if the  
22 portion of the property so distributed to the shareholder is  
23 substantially in proportion to the share of stock or securities  
1 held by the shareholder;

2 (c) To a corporation for the purpose of organization of  
3 such corporation or the contribution of additional capital to such  
4 corporation when the former owners of the property transferred are  
5 immediately after the transfer in control of the corporation and  
6 the stock or securities received by each is substantially in  
7 proportion to his or her interest in the property prior to the  
8 transfer;

9 (d) To a partnership in the organization of such  
10 partnership if the former owners of the property transferred are  
11 immediately after the transfer members of such partnership and the  
12 interest in the partnership received by each is substantially in  
13 proportion to his or her interest in the property prior to the  
14 transfer;

15 (e) From a partnership to the members thereof when made  
16 in kind in the dissolution of such partnership if the portion of  
17 the property so distributed to the members of the partnership is  
18 substantially in proportion to the interest in the partnership held  
19 by the members;

20 (f) To a limited liability company in the organization of  
21 such limited liability company if the former owners of the property  
22 transferred are immediately after the transfer members of such  
23 limited liability company and the interest in the limited liability  
24 company received by each is substantially in proportion to his or  
25 her interest in the property prior to the transfer;

26 (g) From a limited liability company to the members  
1 thereof when made in kind in the dissolution of such limited  
2 liability company if the portion of the property so distributed to  
3 the members of the limited liability company is substantially in  
4 proportion to the interest in the limited liability company held by  
5 the members;

5 (h) From one limited liability company to another limited

6 liability company pursuant to a reorganization; or  
7 (i) Any transaction between two persons that qualifies as  
8 a tax-free transaction under the Internal Revenue Code;  
9 (2) A sale of household goods, ~~and~~ personal effects, and  
10 services if each of the following conditions is met and if any one  
11 condition is not met then the entire gross receipts shall be  
12 subject to the tax imposed by section 77-2703:  
13 (a) Such sales are by an individual at his or her  
14 residence or if more than one individual's property is involved  
15 such sales are by one of the individuals involved at the residence  
16 of one of the individuals;  
17 (b) Such sales do not occur at any residence for more  
18 than three days during a calendar year;  
19 (c) Such individual or individuals or any member of any  
20 of their households does not conduct or engage in a trade or  
21 business in which similar items are sold or services provided;  
22 (d) Such property sold was originally acquired for and  
23 used for personal use or the service provided may be performed at  
24 any individual residence without specialized equipment or supplies;  
25 and  
26 (e) Such property is not otherwise excepted from the  
27 definition of occasional sale;  
1 (3) Commencing with any transaction occurring on or after  
2 October 1, 1985, any sale of business or farm machinery and  
3 equipment if each of the following conditions is met and if any one  
4 condition is not met the entire gross receipts shall be subject to  
5 the tax imposed by section 77-2703:  
6 (a) Such machinery or equipment was used by the seller or  
7 seller's predecessor in a sale described in subdivision (1) of this  
8 section as a depreciable capital asset in connection with the farm  
9 or business for a period of at least one year;  
10 (b) Such property was originally acquired prior to June  
11 1, 1967, or if acquired thereafter, the seller or seller's  
12 predecessor in a sale described in subdivision (1) of this section  
13 directly or indirectly has previously paid a sales or use tax  
14 thereon; and  
15 (c) Such property is not otherwise excepted from the  
16 definition of occasional sale;  
17 (4) Commencing October 1, 1985, a sale by an organization  
18 created exclusively for religious purposes or an agent of the  
19 organization for such sale if each of the following conditions is  
20 met and if any one condition is not met then the entire gross  
21 receipts shall be subject to the tax imposed by section 77-2703:  
22 (a) All sales occur during an activity conducted by such  
23 organization or, if more than one organization is involved, by one  
24 of the organizations owning property being sold;  
25 (b) The organization only sells property it owns or  
26 provides the service during one such activity in a calendar year;  
27 and



1 (c) The activity does not last longer than three  
2 consecutive days; and

3 (5) Any sale that is made in connection with the sale to  
4 a single buyer of all or substantially all of a trade or business  
5 if the seller or seller's predecessor in a sale described in  
6 subdivision (1) of this section directly or indirectly has  
7 previously paid a sales or use tax thereon. This subdivision shall  
8 apply to any transaction occurring on or after October 1, 1985.

9 Commencing October 1, 1985, occasional sale shall not  
10 include any sale directly by or any sale which is supervised or  
11 aided by an auctioneer or an agent or employee of an auctioneer.  
12 Except for a sale listed in subdivision (1) of this  
13 section, an occasional sale shall not mean any sale of motor  
14 vehicles, trailers, and semitrailers as defined in section 60-301  
15 or, on or after January 1, 1997, any sale of a motorboat as defined  
16 in section 37-1204.

17 Sec. 3. Section 77-2702.11, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 77-2702.11. Purchase shall mean any transfer of title or  
20 possession, exchange, barter, lease, or rental, conditional or  
21 otherwise, in any manner or by any means, of property for a  
22 consideration, including a transfer of the possession of property  
23 in which the seller retains the title as security for the payment  
24 of the price and a transfer for a consideration of property which  
25 has been produced, fabricated, or printed to the special order of  
26 the customer. Purchase shall also mean the provision of a service  
27 for a consideration.

1 Sec. 6. Section 77-2702.15, Revised Statutes Supplement,  
2 2000, is amended to read:

3 77-2702.15. Sale shall mean any transfer of title or  
4 possession or segregation in contemplation of transfer of title or  
5 possession, exchange, barter, lease, or rental, conditional or  
6 otherwise, in any manner or by any means, of property for a  
7 consideration or the provision of service for a consideration.

8 Sale shall include, but not be limited to:

9 (1) The producing, fabricating, processing, printing, or  
10 imprinting of property for a consideration for consumers who  
11 furnish either directly or indirectly the materials used in the  
12 producing, fabricating, processing, printing, or imprinting;

13 (2) The furnishing and distributing of property for a  
14 consideration by social clubs and fraternal organizations to their  
15 members or others;

16 (3) The furnishing, preparing, or serving for a  
17 consideration of food, meals, or drinks;

18 (4) A transaction whereby the possession of property is  
19 transferred but the seller retains the title as security for the  
20 payment of the price;

21 (5) A transfer for a consideration of the title or  
22 possession of property which has been produced, fabricated, or

23 printed to the special order of the customer; and

24 (6) The renting or furnishing for periods of less than

25 thirty days of any room or rooms, lodgings, or accommodations in

26 any hotel, motel, inn, tourist camp, tourist cabin, or any other

27 place, except a health care facility licensed under the Health Care

1 Facility Licensure Act in which rooms, lodgings, or accommodations

2 are regularly furnished for a consideration or a facility operated

3 by an educational institution established under Chapter 79 or

4 Chapter 85 in which rooms are regularly used to house students for

5 a consideration for periods in excess of thirty days.

6 Sec. 13. Section 77-2704.30, Reissue Revised Statutes of

7 Nebraska, is amended to read:

8 77-2704.30. The use tax imposed in the Nebraska Revenue

9 Act of 1967 shall not apply to:

10 (1) The use in this state of materials and replacement

11 parts which are acquired outside this state and which are moved

12 into this state for use directly in the repair, installation, or

13 application and maintenance or manufacture of motor vehicles,

14 watercraft, railroad rolling stock, whether owned by a railroad or

15 by any person, whether a common or contract carrier or otherwise,

16 or aircraft engaged as common or contract carriers; and

17 (2) The storage, use, or consumption of property which is

18 acquired outside this state, the sale, lease, or rental or the

19 storage, use, or consumption of which property and any associated

20 labor would be exempt from the sales or use tax were it purchased

21 within this state.

22 Sec. 14. Section 77-2704.31, Revised Statutes

23 Supplement, 2001, is amended to read:

24 77-2704.31. If any person who causes property or service

25 to be brought into this state has already paid a tax in another

26 state with respect to the sale or use of such property or service

27 in an amount less than the tax imposed by sections 13-319, 13-2813,

1 77-2703, and 77-27,142, the provisions of subsection (2) of section

2 77-2703 shall apply, but at a rate measured by the difference only

3 between the rate imposed by such sections and the rate by which the

4 previous tax on the sale or use was computed. If such tax imposed

5 and paid in such other state is equal to or more than the tax

6 imposed by such sections, then no use tax shall be due in this

7 state on such property if such other state, territory, or

8 possession grants a reciprocal exclusion or exemption to similar

9 transactions in this state."

10 2. On page 4, strike beginning with "and" in line 20

11 through line 23 and insert

12 "(d) The gross income received for computer software

13 training and telephone directory advertising;

14 (e) The gross income received for installing and applying

15 tangible personal property if the sale of the property is subject

16 to tax; and

17 (f) The gross income received for repair labor performed

18 to tangible personal property, except for repairs to motor  
19 vehicles.".

20 3. On page 5, line 9; and page 14, line 10, after  
21 "returned" insert "or rejected".

22 4. On page 6, line 24, after "property" insert "and any  
23 associated labor".

24 5. On page 7, line 27; and page 11, line 13, after  
25 "estate" insert "and any associated labor".

26 6. On page 10, lines 11 and 14, after "property" insert  
27 "or services"; and in line 21 after "parts" insert "and any  
1 associated labor".

2 7. On page 15, line 23, strike "and" and insert an  
3 underscored comma; and in line 25 after "state" insert ", and for  
4 business services under subdivision (4)(d) of section 77-2702.07 if  
5 the services are performed at a location that is within this state  
6 for a customer located within this state".

7 8. On page 28, lines 15 and 16, strike the new matter;  
8 and in line 16 after "property" insert "and any associated labor,  
9 or the gross receipts from the provision of services within this  
10 state,".

11 9. On page 37, line 26, strike "not"; and in line 27  
12 after the period insert "Twenty percent of the total amount of  
13 bonus depreciation added back by this subsection may be subtracted  
14 in the first taxable year beginning or deemed to begin on or after  
15 January 1, 2006, under the Internal Revenue Code of 1986, as  
16 amended, and twenty percent in each of the next four following  
17 taxable years,".

18 10. On page 39, strike lines 5 through 16 and insert  
19 "(c) Beginning with school fiscal year 2002-03 through  
20 school fiscal year 2004-05, school districts and multiple-district  
21 school systems may, upon a three-fourths majority vote of the  
22 school board of the school district, the board of the unified  
23 system, or the school board of the high school district of the  
24 multiple-district school system that is not a unified system,  
25 exceed the maximum levy prescribed by subdivision (2)(a) of this  
26 section in an amount equal to the net difference between the amount  
27 of state aid that would have been provided under the Tax Equity and  
1 Educational Opportunities Support Act without the changes made by  
2 Legislative Bill 898, Ninety-seventh Legislature, Second Session,  
3 2002, for the ensuing school fiscal year for the school district or  
4 multiple-district school system and the amount provided under the  
5 act as amended by Legislative Bill 898, Ninety-seventh Legislature,  
6 Second Session, 2002. The State Department of Education shall  
7 certify to the school districts and multiple-district school  
8 systems the amount by which the maximum levy may be exceeded  
9 pursuant to subdivision (2)(c) of this section on or before May 15,  
10 2002, for school fiscal year 2002-03, February 15, 2003, for school  
11 fiscal year 2003-04, and February 15, 2004, for school fiscal year  
12 2004-05,".

13 11. Renumber the remaining sections and correct the  
14 repealer and the operative date section so that the sections added  
15 by this amendment become operative October 1, 2002.

Senator Smith filed the following amendment to LB 1073:  
(Amendment, AM3424, may be found in the Bill Books. The amendment  
has been printed separately and is on file in the Bill Room - Room 1102.)

### **MOTION - Print in Journal**

Senator Brashear filed the following motion to LB 82A:  
Indefinitely postpone.

### **AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 1003:  
AM3343

(Amendments to E & R amendments, AM7187)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 37-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-101. (1) The Game and Parks Commission shall consist
- 5 of ~~seven~~ eight members, one from each of the ~~seven~~ eight districts
- 6 provided for by section 37-102, and shall be appointed by the
- 7 Governor with the consent of a majority of all members of the
- 8 Legislature. Members of the commission shall be legal residents
- 9 and citizens of Nebraska and shall be well informed on wildlife
- 10 conservation and restoration. At least two members of the
- 11 commission shall be actually engaged in agricultural pursuits and
- 12 shall reside on a farm or ranch, and not more than four of the
- 13 members of the commission shall be affiliated with the same
- 14 political party.
- 15 (2) When the term of any member of the commission
- 16 expires, ~~the Governor shall appoint~~ a successor shall be appointed
- 17 as provided in subsection (1) of this section for a term of five
- 18 years from the same district as the member whose term has expired.
- 19 Beginning with appointments made for terms beginning after January
- 20 1, 2008, in districts which contain more than one county, the
- 21 Governor shall not appoint a person from the same county as his or
- 22 her predecessor. Each member shall serve until the appointment and
- 23 qualification of his or her successor. In case of a vacancy
- 1 occurring prior to the expiration of the term of a member, the
- 2 appointment shall be made only for the remainder of the term.
- 3 (3) All members of the commission shall be citizens and
- 4 bona fide residents of the district from which they are appointed.
- 5 When a member ceases to be a bona fide resident of the district,
- 6 from which he or she was appointed, the office shall be immediately
- 7 vacated.
- 8 (4) If the Legislature is not in session when members of
- 9 the commission are appointed by the Governor, they shall take
- 10 office and act as recess appointees until the Legislature next

11 thereafter convenes.

12 (5) Members may be removed by the Governor for  
13 inefficiency, neglect of duty, or misconduct in office, but only  
14 after delivering to the member a copy of the charges and affording  
15 an opportunity of being publicly heard in person or by counsel in  
16 his or her own defense, upon not less than ten days' notice. Such  
17 hearing shall be held before the Governor.

18 (6) If such member is removed, the Governor shall file in  
19 the office of the Secretary of State a complete statement of all  
20 charges made against such member and his or her findings thereon,  
21 together with a complete record of the proceedings. No person who  
22 has served a full five-year term shall be eligible for  
23 reappointment as a member of the commission until at least five  
24 years have elapsed between any previous term which he or she might  
25 have served and the effective date of his or her new appointment.

26 Sec. 2. Section 37-102, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 37-102. For purposes of section 37-101, the state is  
2 hereby divided into ~~seven~~ eight districts. The limits and  
3 designations of the ~~seven~~ eight districts shall be as follows:

4 (1) District No. 1. The counties of Richardson, Pawnee,  
5 Nemaha, Johnson, Otoe, Cass, ~~Lancaster~~ Sarpy, Saunders, Butler,  
6 Gage, Seward, Saline, and Jefferson;

7 (2) District No. 2. ~~The counties of Sarpy and Douglas~~  
8 County;

9 (3) District No. 3. The counties of Washington, Dodge,  
10 Colfax, Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming,  
11 Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and  
12 Dakota;

13 (4) District No. 4. The counties of Thayer, Nuckolls,  
14 Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall,  
15 Buffalo, Kearney, and Franklin;

16 (5) District No. 5. The counties of Harlan, Furnas, Red  
17 Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps,  
18 Dawson, Lincoln, and Perkins;

19 (6) District No. 6. The counties of Howard, Greeley,  
20 Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock,  
21 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant,  
22 Hooker, Thomas, and Cherry; ~~and~~

23 (7) District No. 7. The counties of Deuel, Garden,  
24 Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts  
25 Bluff, Banner, and Kimball; and

26 (8) District No. 8. Lancaster County."

27 2. Renumber the remaining sections and correct the  
1 repealer and internal references accordingly.

Senator Bromm filed the following amendment to LB 1303:  
AM3446

(Amendments to Standing Committee amendments, AM3134)

- 1 1. On page 1, line 10, after "counsel" insert "for
- 2 criminal offenses".

### MESSAGE FROM THE GOVERNOR

March 24, 2002

President, Speaker Kristensen,  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Power Review Board.

**APPOINTEE:**

Louis E. Lamberty, 320 N. 68th St, Omaha NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

say/

### COMMUNICATIONS

April 2, 2002

Mr. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
Room 2018 State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Pursuant to the provisions of Section 85-404, Reissue Revised Statutes of Nebraska, 1943, as amended, the Board of Trustees of the Nebraska State Colleges is submitting to the Legislature for its consideration resolutions authorizing Peru State College and Wayne State College to issue Revenue Bond funding to accomplish several projects at the residence halls.

The resolutions that were adopted by the Board of Trustees authorize the following:

1. Peru State College - renovate a portion of Morgan Hall at Peru State College, and

2. Wayne State College - renovate Neihardt Hall and make fire and life safety improvements at Bowen Hall and other residence halls as funding allows.

Attached are other materials relating to this request, including information about the projects, a copy of the statutes under which the projects are being submitted, and a copy of the letter from the Coordinating Commission recommending Legislative approval for these projects.

If there are any questions about this manner, please feel free to contact me.

Sincerely,  
(Signed) Stan Carpenter  
Executive Director

Enclosures

cc: Phil Hovis, Analyst, Legislative Fiscal Office

April 2, 2002

Senator George Coordsen  
Chairman, Executive Board  
Room 2010, State Capitol Building  
Lincoln, NE 68509

Dear Senator Coordsen,

Enclosed is correspondence from Mr. Stan Carpenter, Executive Director for the Nebraska State Colleges. The communication involves a resolution authorizing Peru State College and Wayne State College to issue Revenue Bond funding to accomplish several projects at the residence halls.

1. Peru State College - renovate a portion of Morgan Hall.
2. Wayne State College - renovate Neihardt Hall and make fire and safety improvements at Bowen Hall and other residence halls as funding allows.

I am forwarding this correspondence to you for reference to the appropriate standing committee.

Sincerely  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk

**SELECT FILE**

**LEGISLATIVE BILL 1089.** Senator Jensen renewed his pending amendment, AM2695, found on page 712.

The Jensen amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Kristensen requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Baker	Cunningham	Kruse	Raikes	Thompson
Bourne	Foley	Landis	Redfield	Tyson
Brashear	Hartnett	Maxwell	Robak	Wickersham
Bromm	Hudkins	Pedersen, Dw.	Schimek	
Brown	Janssen	Preister	Smith	
Bruning	Jensen	Price	Suttle	
Connealy	Kristensen	Quandahl	Synowiecki	

Voting in the negative, 9:

Burling	Dierks	Kremer	Stuhr	Wehrbein
Byars	Erdman	Schrock	Vrtiska	

Present and not voting, 7:

Aguilar	Chambers	Jones	Pederson, D.
Beutler	Cudaback	McDonald	

Excused and not voting, 2:

Coordsen	Engel
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Advanced to E & R for engrossment with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 29.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 935.** E & R amendment, AM7183, found on page 985, was adopted.

Senator Vrtiska renewed his pending amendment, AM3112, found on page 959.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vrtiska amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.



**LEGISLATIVE BILL 384.** E & R amendment, AM7184, printed separately and referred to on page 1003, was adopted.

Senator Quandahl renewed the Quandahl et al. pending amendment, AM3283, printed separately and referred to on page 1135.

The Quandahl et al. amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Stuhr withdrew her pending amendment, AM3295, found on page 1258.

Senator Stuhr offered the following amendment:  
AM3471

(Amendments to E & R amendments, AM7184)

- 1 1. Insert the following new sections:
- 2 "Sec. 23. Section 16-230, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-230. (1) A city of the first class by ordinance may
- 5 require lots or pieces of ground within the city or within two
- 6 miles of the corporate limits of the city to be drained or filled
- 7 so as to prevent stagnant water or any other nuisance accumulating
- 8 thereon. It may require the owner or occupant of all lots and
- 9 pieces of ground within the city to keep the lots and pieces of
- 10 ground and the adjoining streets and alleys free of any growth of
- 11 twelve inches or more in height of weeds, grasses, or worthless
- 12 vegetation, and it may prohibit and control the throwing,
- 13 depositing, or accumulation of litter on any lot or piece of ground
- 14 within the city.
- 15 (2) Any city of the first class may by ordinance declare
- 16 it to be a nuisance to permit or maintain any growth of twelve
- 17 inches or more in height of weeds, grasses, or worthless vegetation
- 18 or to litter or cause litter to be deposited or remain thereon
- 19 except in proper receptacles.
- 20 (3) Any owner or occupant of a lot or piece of ground
- 21 shall, upon conviction of violating such ordinance, be guilty of a
- 22 Class V misdemeanor.
- 23 (4) Notice to abate and remove such nuisance shall be
- 1 given to each owner or owner's duly authorized agent and to the
- 2 occupant, if any, by personal service or certified mail. Within
- 3 five days after receipt of such notice, if the owner or occupant of
- 4 the lot or piece of ground does not request a hearing with the city
- 5 ~~or~~ and fails to comply with the order to abate and remove the
- 6 nuisance, the city may have such work done. Certified mail sent to
- 7 the last-known address of the owner or the duly authorized agent as
- 8 it appears on the rolls of the county assessor on the date the mail
- 9 is sent shall constitute notice.
- 10 (5) If the owner or occupant of the lot or piece of
- 11 ground violates such an ordinance again within sixty days after a

12 notice to abate and remove the nuisance, the notice to abate the  
13 second and subsequent nuisances shall be mailed by first-class  
14 mail. Within ten days after the mailing of such notice, if the  
15 owner or occupant of the lot or piece of ground does not request a  
16 hearing with the city and fails to comply with the order to abate  
17 and remove the nuisance, the city may have such work done.

18 (6) The costs and expenses of any such work shall be paid  
19 by the owner. If unpaid for ~~two months~~ four weeks after such work  
20 is done, the city may ~~either (a) levy and assess the costs and~~  
21 ~~expenses of the work upon the lot or piece of ground so benefited~~  
22 ~~in the same manner as other special taxes for improvements are~~  
23 ~~levied and assessed or (b) recover in a civil action the costs and~~  
24 ~~expenses of the work upon the lot or piece of ground and the~~  
25 ~~adjoining streets and alleys. Any costs and expenses that remain~~  
26 ~~unpaid for a period of four weeks after such work is done shall be~~  
27 ~~a lien on the lot or piece of ground and be assessed as a special~~  
1 ~~assessment, which special assessment shall be certified by the city~~  
2 ~~clerk to the county clerk of the county in which the lot or piece~~  
3 ~~of ground is situated. The county clerk shall thereupon place the~~  
4 ~~same on the tax rolls for collection, subject to the same penalties~~  
5 ~~and to be collected in like manner as other special assessments.~~

6 ~~(5)~~ (7) For purposes of this section:

7 (a) Litter shall include, but not be limited to: (i)

8 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
9 plaster, cement, brick, or stone building rubble; (iii) grass,  
10 leaves, and worthless vegetation; (iv) offal and dead animals; and  
11 (v) any machine or machines, vehicle or vehicles, or parts of a  
12 machine or vehicle which have lost their identity, character,  
13 utility, or serviceability as such through deterioration,  
14 dismantling, or the ravages of time, are inoperative or unable to  
15 perform their intended functions, or are cast off, discarded, or  
16 thrown away or left as waste, wreckage, or junk; and

17 (b) Weeds shall include, but not be limited to, bindweed  
18 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy  
19 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
20 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
21 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
22 thistle, quack grass (*Agropyron repens*), perennial sow thistle  
23 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull  
24 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.) (tourn),  
25 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

26 Sec. 27. Section 17-563, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 17-563. (1) Each city of the second class and village by  
2 ordinance may require lots or pieces of ground within the city or  
3 village to be drained or filled so as to prevent stagnant water or  
4 any other nuisance accumulating thereon. It may require the owner  
5 or occupant of any lot or piece of ground within the city or  
6 village to keep the lot or piece of ground and the adjoining

7 streets and alleys free of any growth of twelve inches or more in  
8 height of weeds, grasses, or worthless vegetation, and it may  
9 prohibit and control the throwing, depositing, or accumulation of  
10 litter on any lot or piece of ground within the city or village.

11 (2) Any city of the second class and village may by  
12 ordinance declare it to be a nuisance to permit or maintain any  
13 growth of twelve inches or more in height of weeds, grasses, or  
14 worthless vegetation or to litter or cause litter to be deposited  
15 or remain thereon except in proper receptacles.

16 (3) Any owner or occupant of a lot or piece of ground  
17 shall, upon conviction of violating such ordinance, be guilty of a  
18 Class V misdemeanor.

19 (4) Notice to abate and remove such nuisance shall be  
20 given to each owner or owner's duly authorized agent and to the  
21 occupant, if any, by personal service or certified mail. Within  
22 five days after receipt of such notice, if the owner or occupant of  
23 the lot or piece of ground does not request a hearing with the city  
24 or village ~~or~~ and fails to comply with the order to abate and  
25 remove the nuisance, the city or village may have such work done.  
26 Certified mail sent to the last-known address of the owner or the  
27 duly authorized agent as it appears on the rolls of the county

1 assessor on the date the mail is sent shall constitute notice.

2 (5) If the owner or occupant of the lot or piece of  
3 ground subsequently violates such an ordinance again within sixty  
4 days after a notice to abate and remove the nuisance, the notice to  
5 abate the second and subsequent nuisances shall be mailed by  
6 first-class mail. Within ten days after the mailing of such  
7 notice, if the owner or occupant of the lot or piece of ground does  
8 not request a hearing with the city or village and fails to comply  
9 with the order to abate and remove the nuisance, the city or  
10 village may have such work done.

11 (6) The costs and expenses of any such work shall be paid  
12 by the owner. If unpaid for ~~two months~~ four weeks after such work  
13 is done, the city or village may ~~either (a) levy and assess the~~  
14 ~~costs and expenses of the work upon the lot or piece of ground so~~  
15 ~~benefited in the same manner as other special taxes for~~  
16 ~~improvements are levied and assessed or (b) recover in a civil~~  
17 ~~action the costs and expenses of the work upon the lot or piece of~~  
18 ~~ground and the adjoining streets and alleys. Any costs and~~  
19 ~~expenses that remain unpaid for a period of four weeks after such~~  
20 ~~work is done shall be a lien on the lot or piece of ground and be~~  
21 ~~assessed as a special assessment, which special assessment shall be~~  
22 ~~certified by the city or village clerk to the county clerk of the~~  
23 ~~county in which the lot or piece of ground is situated. The county~~  
24 ~~clerk shall thereupon place the same on the tax rolls for~~  
25 ~~collection, subject to the same penalties and to be collected in~~  
26 ~~like manner as other special assessments.~~

27 ~~(5)~~ (7) For purposes of this section:

1 (a) Litter shall include, but not be limited to: (i)

2 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
 3 plaster, cement, brick, or stone building rubble; (iii) grass,  
 4 leaves, and worthless vegetation; (iv) offal and dead animals; and  
 5 (v) any machine or machines, vehicle or vehicles, or parts of a  
 6 machine or vehicle which have lost their identity, character,  
 7 utility, or serviceability as such through deterioration,  
 8 dismantling, or the ravages of time, are inoperative or unable to  
 9 perform their intended functions, or are cast off, discarded, or  
 10 thrown away or left as waste, wreckage, or junk; and  
 11 (b) Weeds shall include, but not be limited to, bindweed  
 12 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy  
 13 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
 14 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
 15 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
 16 thistle, quack grass (*Agropyron repens*), perennial sow thistle  
 17 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull  
 18 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun),  
 19 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).  
 20 Sec. 32. If any section in this act or any part of any  
 21 section is declared invalid or unconstitutional, the declaration  
 22 shall not affect the validity or constitutionality of the remaining  
 23 portions."  
 24 2. Renumber the remaining sections and correct the  
 25 repealer accordingly.

Senators Maxwell and Aguilar asked unanimous consent to be excused until their return. No objections. So ordered.

## **SPEAKER KRISTENSEN PRESIDING**

Senator Stuhr withdrew her amendment.

Advanced to E & R for engrossment.

## **SELECT COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 642.** Placed on Select File as amended.

E & R amendment to LB 642:

AM7212

1 1. Because of the amendment of section 28-726 by Laws  
 2 2001, LB 214, strike original section 8 and insert the following  
 3 new section:  
 4 "Sec. 8. Section 28-726, Revised Statutes Supplement,  
 5 2001, is amended to read:  
 6 28-726. Except as provided in this section, ~~and~~ section  
 7 28-722, and sections 1 to 6 of this act, no person, official, or  
 8 agency shall have access to such records unless in furtherance of  
 9 purposes directly connected with the administration of sections

10 28-710 to 28-727. Such persons, officials, and agencies having  
 11 access to such records shall include, but not be limited to:  
 12 (1) A law enforcement agency investigating a report of  
 13 known or suspected abuse or neglect;  
 14 (2) A county attorney in preparation of an abuse,  
 15 neglect, or termination petition;  
 16 (3) A physician who has before him or her a child whom he  
 17 or she reasonably suspects may be abused or neglected;  
 18 (4) An agency having the legal responsibility or  
 19 authorization to care for, treat, or supervise an abused or  
 20 neglected child or a parent, a guardian, or other person  
 21 responsible for the abused or neglected child's welfare who is the  
 22 subject of a report;  
 23 (5) Any person engaged in bona fide research or auditing.  
 24 No information identifying the subjects of the report shall be made  
 1 available to the researcher or auditor;  
 2 (6) The State Foster Care Review Board when the records  
 3 relate to a child in a foster care placement as defined in section  
 4 43-1301. The records provided to the state board shall not include  
 5 the name or identity of any person making a report of suspected  
 6 child abuse or neglect;  
 7 (7) The designated protection and advocacy system  
 8 authorized pursuant to the Developmental Disabilities Assistance  
 9 and Bill of Rights Act, 42 U.S.C. 6000, as the act existed on  
 10 September 1, 2001, and the Protection and Advocacy for Mentally Ill  
 11 Individuals Act, 42 U.S.C. 10801, as the act existed on September  
 12 1, 2001, acting upon a complaint received from or on behalf of a  
 13 person with developmental disabilities or mental illness;  
 14 (8) The person or persons having custody of the abused or  
 15 neglected child in situations of alleged out-of-home abuse or  
 16 neglect; and  
 17 (9) For purposes of licensing providers of child care  
 18 programs, the Department of Health and Human Services Regulation  
 19 and Licensure."  
 20 2. On page 1, line 3; and page 6, line 16, strike "2000"  
 21 and insert "2001".  
 22 3. On page 2, line 11, after "to" insert "sections 1 to  
 23 6 of".  
 24 4. On page 3, line 4, strike "agency's" and insert  
 25 "department's".  
 26 5. On page 4, line 13, after the first "the" insert  
 27 "district"; and in line 18 after "disclose" insert "findings and".

**LEGISLATIVE BILL 722.** Placed on Select File as amended.

E & R amendment to LB 722:

AM7215

- 1 1. Because of the amendment of section 79-990 by Laws
- 2 2001, LB 711, in the Standing Committee amendments, AM0328:
- 3 a. Strike section 7 and insert the following new

4 section:

5 "Sec. 7. Section 79-990, Revised Statutes Supplement,

6 2001, is amended to read:

7 79-990. (1) Any member who is eligible for reemployment

8 on or after December 12, 1994, pursuant to 38 U.S.C. chapter 43, as

9 ~~such chapter existed on May 2, 2001~~ adopted under section 55-161,

10 or who is eligible for reemployment under ~~sections 55-160 to 55-163~~

11 section 55-160 may pay to the retirement system after the date of

12 his or her return from active military service, and within the

13 period required by law, not to exceed five years, an amount equal

14 to the sum of all deductions which would have been made from the

15 salary which he or she would have received during the period of

16 military service for which creditable service is desired. If such

17 payment is made, the member shall be entitled to credit for

18 membership service in determining his or her annuity for the period

19 for which contributions have been made and the board shall be

20 responsible for any funding necessary to provide for the benefit

21 which is attributable to this increase in the member's creditable

22 service. The member's payments shall be paid as the trustees may

23 direct, through direct payments to the retirement system or on an

24 installment basis pursuant to a binding irrevocable payroll

1 deduction authorization between the member and the school district.

2 Creditable service may be purchased only in one-half-year

3 increments, starting with the most recent year's salary.

4 (2) Under such rules and regulations as the board may

5 prescribe, any member who was away from his or her position while

6 on a leave of absence from such position authorized by the board of

7 education of the school district by which he or she was employed at

8 the time of such leave of absence or pursuant to any contractual

9 agreement entered into by such school district may receive credit

10 for any or all time he or she was on leave of absence. Such time

11 shall be included in creditable service when determining

12 eligibility for death, disability, termination, and retirement

13 benefits. The member who receives the credit shall earn benefits

14 during the leave based on salary at the level received immediately

15 prior to the leave of absence. Such credit shall be received if

16 such member pays into the retirement system (a) an amount equal to

17 the sum of the deductions from his or her salary for the portion of

18 the leave for which creditable service is desired, (b) any

19 contribution which the school district would have been required to

20 make for the portion of the leave for which creditable service is

21 desired had he or she continued to receive salary at the level

22 received immediately prior to the leave of absence, and (c) regular

23 interest on these combined payments from the date such deductions

24 would have been made to the date of repayment. Such amounts shall

25 be paid as the trustees may direct, through direct payments to the

26 retirement system or on an installment basis pursuant to a binding

27 irrevocable payroll deduction authorization between the member and

1 the school district over a period not to exceed five years from the

2 date of the termination of his or her leave of absence. Interest  
 3 on any delayed payment shall be at the rate of regular interest.  
 4 Creditable service may be purchased only in one-half-year  
 5 increments, starting with the most recent years' salary, and if  
 6 payments are made on an installment basis, creditable service will  
 7 be credited only as payment has been made to the retirement system  
 8 to purchase each additional one-half-year increment. Leave of  
 9 absence shall be construed to include, but not be limited to,  
 10 sabbaticals, maternity leave, exchange teaching programs, full-time  
 11 leave as an elected official of a professional association or  
 12 collective-bargaining unit, or leave of absence to pursue further  
 13 education or study. A leave of absence granted pursuant to this  
 14 section shall not exceed four years in length, and in order to  
 15 receive credit for the leave of absence, the member must have  
 16 returned to employment with the school district within one year  
 17 after termination of the leave of absence.

18 (3) Until one year after May 2, 2001, any member  
 19 currently employed by the school district who resigned from  
 20 full-time employment with the school district for maternity  
 21 purposes prior to September 1, 1979, and was reemployed as a  
 22 full-time employee by the school district before the end of the  
 23 school year following the school year of such member's resignation  
 24 may have such absence treated as though the absence was a leave of  
 25 absence described in subsection (2) of this section. The period of  
 26 such absence for maternity purposes shall be included in creditable  
 27 service when determining the member's eligibility for death,  
 1 disability, termination, and retirement benefits if the member  
 2 submits satisfactory proof to the board that the prior resignation  
 3 was for maternity purposes and the member complies with the payment  
 4 provisions of subsection (2) of this section before the one-year  
 5 anniversary of May 2, 2001."; and

6 b. On page 8, line 20, after the second comma insert  
 7 "and" and strike "and 79-990,"; and in line 21 after the comma  
 8 insert "and section 79-990, Revised Statutes Supplement, 2001,".  
 9 2. On page 1, strike beginning with the "provide" in  
 10 line 1 through line 2 and insert "amend sections 48-230, 48-231,  
 11 55-160, 55-161, 55-164, and 55-165, Reissue Revised Statutes of  
 12 Nebraska, and section 79-990, Revised Statutes Supplement, 2001; to  
 13 change and eliminate provisions relating to absence from employment  
 14 for military purposes; to change provisions relating to penalties  
 15 as prescribed; to repeal the original sections; and to outright  
 16 repeal sections 55-162 and 55-163, Reissue Revised Statutes of  
 17 Nebraska."

**LEGISLATIVE BILL 1086.** Placed on Select File as amended.

E & R amendment to LB 1086:

AM7213

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 "Section 1. Beginning January 1 of the year in which the  
4 Governor is elected and continuing through the day of the general  
5 election during such year, no state funds shall be used for any  
6 advertising or promotional materials which refer to any one or more  
7 of the following state officeholders by name: Governor, Lieutenant  
8 Governor, Secretary of State, State Treasurer, Attorney General, or  
9 Auditor of Public Accounts.

10 Sec. 2. Section 32-1603, Revised Statutes Supplement,  
11 2001, is amended to read:

12 32-1603. For purposes of the Campaign Finance Limitation  
13 Act, the definitions found in sections 49-1404 to 49-1444 shall be  
14 used, except that:

15 (1) Covered elective office means (a) the Legislature in  
16 any election period and (b) the Governor, State Treasurer,  
17 Secretary of State, Attorney General, Auditor of Public Accounts,  
18 the Public Service Commission, the Board of Regents of the  
19 University of Nebraska, and the State Board of Education if  
20 designated as covered for a given election period pursuant to  
21 section 32-1611;

22 (2) Election period means (a) the period beginning  
23 January 1 of the calendar year prior to the year of the election in  
24 which the candidate is seeking office through the end of the  
1 calendar year of such election for covered elective offices listed  
2 in subdivision (1)(a) of this section and (b) the period beginning  
3 July 1 of the calendar year prior to the year of the election in  
4 which the candidate is seeking office through the end of the  
5 calendar year of such election for covered elective offices listed  
6 in subdivision (1)(b) of this section;

7 (3) Expenditure means the purchase for campaign  
8 activities of (a) services from a communications medium, including  
9 production costs, (b) printing, photography, graphic arts, or  
10 advertising services, (c) office supplies, (d) postage and other  
11 commercial delivery services, (e) meals, lodging, and travel  
12 expenses, and (f) staff salaries;

13 (4) General election period means the period beginning  
14 with the day following the end of the primary election period  
15 through the end of the election period;

16 (5) Primary election period means the period beginning  
17 with the first day of the election period through the thirty-fifth  
18 day following the primary election; and

19 (6) Unrestricted spending means expenditures or transfers  
20 of funds authorized under subdivision (1)(f), ~~or (h)~~, or (i) of  
21 section 49-1446.01.

22 Sec. 3. Section 49-1446.01, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 49-1446.01. No committee, other than a political party  
25 committee, may expend or transfer funds except to make an  
26 expenditure, as defined in subsection (1), (2), or (3) of section  
27 49-1419, or as provided in this section. Any committee, including



1 a political party committee, may:

2 (1) Make expenditures or transfer funds after any  
3 election for: (a) The necessary continued operation of the campaign  
4 office or offices of the candidate or political committee; (b)  
5 social events primarily for the benefit of campaign workers and  
6 volunteers or constituents; (c) obtaining public input and opinion;  
7 (d) repayment of campaign loans incurred prior to election day; (e)  
8 newsletters and other communications of information, thanks,  
9 acknowledgment, or greetings, or for the purpose of political  
10 organization and planning; (f) gifts of acknowledgment, including  
11 flowers and charitable contributions, except that gifts to any one  
12 natural person shall not exceed fifty dollars in any one calendar  
13 year; (g) meals, lodging, and travel by an officeholder related to  
14 his or her candidacy and for members of the immediate family of the  
15 officeholder when involved in activities related to his or her  
16 candidacy; ~~and~~ (h) conference fees, meals, lodging, and travel by  
17 an officeholder and his or her staff when involved in activities  
18 related to the duties of his or her public office; and (i) in the  
19 case of the candidate committee for the Governor, conference fees,  
20 meals, lodging, and travel by the Governor, his or her staff, and  
21 his or her immediate family, when involved in activities related to  
22 the duties of the Governor;

23 (2) Make expenditures or transfer funds for the payment  
24 of installation and use of telephone and telefax machines located  
25 in an officeholder's public office and used by such officeholder;  
26 and

27 (3) Invest funds in investments authorized in the  
1 Nebraska Capital Expansion Act and the Nebraska State Funds  
2 Investment Act for the state investment officer.

3 Nothing in this section shall prohibit a separate  
4 segregated political fund from disbursing funds as provided in  
5 section 49-1469.

6 Sec. 4. Section 49-14,101.01, Revised Statutes  
7 Supplement, 2001, is amended to read:

8 49-14,101.01. (1) A public official or public employee  
9 shall not use or authorize the use of, for personal financial gain,  
10 financial gain of a member of his or her immediate family, or  
11 financial gain of a business with which he or she is associated,  
12 other than compensation provided by law, (a) that person's public  
13 office or any confidential information received through the holding  
14 of a public office or (b) personnel, resources, property, or funds  
15 under that person's official care and control other than in  
16 accordance with prescribed constitutional, statutory, and  
17 regulatory procedures.

18 (2) A public official shall not accept a gift of travel  
19 or lodging or a gift of reimbursement for travel or lodging if the  
20 gift is made so that a member of the public official's immediate  
21 family can accompany the public official in the performance of his  
22 or her official duties.

23 (3) A member of the immediate family of a public official  
24 shall not accept a gift of travel or lodging or a gift of  
25 reimbursement for travel or lodging if the gift is made so that a  
26 member of the public official's immediate family can accompany the  
27 public official in the performance of his or her official duties.

1 (4) This section does not prohibit the Executive Board of  
2 the Legislative Council from adopting policies that allow a member  
3 of the Legislature to install and use with private funds a  
4 telephone line, telephone, and telefax machine in his or her public  
5 office for private purposes.

6 ~~(3)~~ (5) Except as provided in section 23-3113, any person  
7 violating this section shall be guilty of a Class III misdemeanor,  
8 except that no vote by any member of the Legislature shall subject  
9 such member to any criminal sanction under this section.

10 Sec. 5. Original section 49-1446.01, Reissue Revised  
11 Statutes of Nebraska, and sections 32-1603 and 49-14,101.01,  
12 Revised Statutes Supplement, 2001, are repealed."

13 2. On page 1, strike lines 2 through 5 and insert "amend  
14 section 49-1446.01, Reissue Revised Statutes of Nebraska, and  
15 sections 32-1603 and 49-14,101.01, Revised Statutes Supplement,  
16 2001; to prohibit the use of state funds for certain advertising or  
17 promotional materials; to provide for expenditure of campaign funds  
18 for travel expenses as prescribed; to prohibit the acceptance of  
19 certain gifts by public officials and their immediate family  
20 members; to harmonize provisions; and to repeal the original  
21 sections."

**LEGISLATIVE BILL 1062.** Placed on Select File as amended.

(E & R amendment, AM7214, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**LEGISLATIVE BILL 1105.** Placed on Select File as amended.

E & R amendment to LB 1105:

AM7216

1 1. In the Bromm amendment, AM3382:

2 a. Strike sections 479 and 480 and insert the following  
3 new sections:

4 "Sec. 505. Section 79-1328, Revised Statutes Supplement,  
5 2001, as amended by section 8, Legislative Bill 3, Ninety-seventh  
6 Legislature, First Special Session, 2001, is amended to read:

7 79-1328. (1) For fiscal years 2001-02 and 2002-03, the  
8 Excellence in Education Council shall grant up to one million five  
9 hundred thousand dollars per fiscal year to a grantee for a  
10 distance education network completion grant. The distance  
11 education network completion grant shall fund engineering,  
12 equipment, and installation charges for two-way interactive  
13 distance education capacity for public high school buildings that  
14 do not currently have such capacity. The grant application shall:

- 15 (a) Designate the State Department of Education as the  
 16 fiscal agent for the grant;
- 17 (b) Specify criteria for determining the public high  
 18 school buildings for which the grant will fund engineering,  
 19 equipment, and installation charges;
- 20 (c) Specify criteria for determining the engineering,  
 21 equipment, and installation charges which the grant will fund;
- 22 (d) Specify the technique for prorating funding and  
 23 collecting funds from districts if the charges for engineering,  
 24 equipment, and installation for the public high school buildings  
 1 for which grant funds are used exceed the grant funds available;
- 2 (e) Specify the procedure for assuring that all projects  
 3 meet the standards of the technical panel created in section  
 4 ~~86-1511~~ 295 of this act, including periodic reviews of projects by  
 5 the technical panel;
- 6 (f) Specify the timeline for completing a statewide  
 7 two-way interactive distance education network that includes all  
 8 participating public high schools; and
- 9 (g) Specify that any equipment obtained through a grant  
 10 is the property of the school district and not the department.
- 11 (2) For a public high school to participate in the grant,  
 12 the school district must apply to the department as the fiscal  
 13 agent on a form prescribed by the department on or before a date  
 14 established by the department. The application shall require  
 15 evidence that the school district has made a commitment to be part  
 16 of a distance education consortium and that the distance education  
 17 consortium has accepted the district's commitment. The application  
 18 shall also require the applicant district to list the classes that  
 19 the district anticipates accessing from the consortium or a  
 20 community college and any classes that the district anticipates  
 21 that it will offer to other districts in the consortium through  
 22 distance education.
- 23 (3) The department as the fiscal agent may use up to  
 24 twenty-five thousand dollars per fiscal year of the grant funds to  
 25 fund a project manager.
- 26 Sec. 514. Original sections 28-109, 39-101, 60-102,  
 27 60-471, 60-501, 60-636, 60-638, 60-639, 60-640, 60-678, 60-6,142,  
 1 60-6,144, 60-6,226, 60-6,241, 60-6,349, and 60-6,351, Reissue  
 2 Revised Statutes of Nebraska, sections 60-311.14, 60-680, and  
 3 60-1417.01, Revised Statutes Supplement, 2000, and sections 60-301,  
 4 60-4,182, and 60-601, Revised Statutes Supplement, 2001, are  
 5 repealed.";
- 6 b. On page 6, line 21, strike "are" and insert "is";
- 7 c. On page 10, line 11, after "75-144" insert an  
 8 underscored comma;
- 9 d. On page 31, line 20, after the first "commission"  
 10 insert an underscored comma;
- 11 e. On page 38, line 1, strike "complainant" and insert  
 12 "complainants";

- 13 f. On page 110, line 4, strike "(i)", show as stricken,  
14 and insert "(a)"; in line 5 strike "(ii)", show as stricken, and  
15 insert "(b)"; in line 7, strike "(iii)", show as stricken, and  
16 insert "(c)"; and in line 8 strike "(iv)", show as stricken, and  
17 insert "(d)";
- 18 g. On page 138, line 11, strike the comma and show as  
19 stricken; and in line 19 strike the underscored comma;
- 20 h. On page 153, line 5, strike the first comma and show  
21 as stricken; in lines 13 and 14 strike "Public Service Commission",  
22 show as stricken, and insert "commission"; and in lines 20 and 21  
23 strike the new matter and reinstate the stricken matter;
- 24 i. On page 213, line 1, after the first "council" insert  
25 an underscored comma;
- 26 j. On page 267, line 19; and page 268, line 5, strike  
27 "7-501," , show as stricken, and insert "Uniform Commercial Code, or  
1 section 7-501";
- 2 k. On page 270, line 6, reinstate the stricken comma;
- 3 l. On page 284, line 4, after the first comma insert  
4 "or";
- 5 m. On page 287, line 2, after "metering" insert an  
6 underscored comma;
- 7 n. On page 310, line 15, before "constructs" insert  
8 "who";
- 9 o. On page 363, line 10, strike "81-1190 to 81-1192,";  
10 in line 22 after "75-122.01," insert "75-126,"; in line 23 strike  
11 "79-1327,"; and in line 24 after "81-1120.40," insert "81-1190 to  
12 81-1192,"; and
- 13 p. On page 364, line 2, strike "79-1328,"; in line 5  
14 strike "section 9-812" and insert "sections 9-812 and 79-1328"; and  
15 in line 6 strike "section 1" and insert "sections 1 and 8,  
16 respectively".
- 17 2. In the Kristensen amendment, AM3395:
- 18 a. On page 6, line 12, strike "shall refer", show as  
19 stricken, and insert "refers";
- 20 b. On page 22, line 14, strike "does" and insert  
21 "shall";
- 22 c. On page 23, line 27, after "device" insert an  
23 underscored comma; and
- 24 d. On page 29, strike lines 19 through 23 and insert  
25 "except (a) as provided in special electric personal assistive  
26 mobility device regulations adopted pursuant to the Nebraska Rules  
27 of the Road, (b) any provisions of the Nebraska Rules of the Road  
1 which by their nature can have no application, and (c) as provided  
2 in section 60-6.142 with respect to operating an electric personal  
3 assistive mobility device on a shoulder of a highway.".
- 4 3. In the Hartnett-Bromm amendment, AM3393:
- 5 a. On page 1, line 14, strike "revised" and insert  
6 "reissued"; and
- 7 b. On page 2, line 7, after "vehicle" insert "or

8 trailer"; and in line 15 strike the new matter.

9 4. On page 1, strike beginning with "motor" in line 1  
10 through line 5 and insert "transportation and telecommunications;  
11 to amend sections 2-3917.02, 25-2503, 28-109, 28-711, 28-1310,  
12 39-101, 43-158, 60-102, 60-471, 60-501, 60-636, 60-638, 60-639,  
13 60-640, 60-678, 60-6142, 60-6144, 60-6226, 60-6241, 60-6349,  
14 60-6351, 70-301, 75-101, 75-128, 75-133, 75-155, 75-605, 75-607,  
15 75-608, 75-611 to 75-616, 76-2301, 76-2321, 81-1117, 81-1120.17,  
16 81-1120.19, 81-1576, 81-1849, 81-2301 to 81-2303, 81-2305, 81-2306,  
17 81-2308, 81-2309 to 81-2313, 81-2601, 81-2603 to 81-2605, 86-101 to  
18 86-107, 86-109, 86-111, 86-112, 86-208 to 86-211, 86-301 to 86-309,  
19 86-329 to 86-331.04, 86-334 to 86-338, 86-401 to 86-412, 86-502,  
20 86-601, 86-701 to 86-712, 86-801, 86-802, 86-805 to 86-807, 86-809,  
21 86-810, 86-1001 to 86-1004, 86-1006 to 86-1009, 86-1101 to 86-1109,  
22 86-1201 to 86-1218, 86-1221, 86-1301 to 86-1305, 86-1307, 86-1401,  
23 86-1402, 86-1404, 86-1406 to 86-1410, 86-1501 to 86-1514, 86-1601  
24 to 86-1606, 86-1803 to 86-1811, 86-1901 to 86-1904, 86-1906,  
25 86-1910, 86-1911, 86-2002 to 86-2007, and 86-2009 to 86-2013,  
26 Reissue Revised Statutes of Nebraska, sections 2-1570, 25-2602.01,  
27 49-14,141, 52-1307, 52-1314, 60-311.14, 60-680, 60-1417.01, 75-109,  
1 75-122.01, 75-126, 75-134, 75-156, 75-606, 75-609 to 75-610,  
2 75-617, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1190 to 81-1192,  
3 81-1194, 81-1195, 81-1196.01, 81-1199, 81-11102, 81-2304, 81-2307,  
4 81-2308.01, 81-2602, 86-803, 86-811, 86-1005, 86-1110, 86-1111,  
5 86-1219, 86-1222, 86-1306, 86-1701, and 86-2101 to 86-2116, Revised  
6 Statutes Supplement, 2000, sections 18-419, 28-401, 60-301,  
7 60-4,182, 60-601, 70-625, 70-704, 70-1409, 71-1,142, 75-132.01,  
8 75-604, 79-215, 79-1241.02, 86-804, 86-808, 86-1403, 86-1405,  
9 86-1905, 86-1907 to 86-1909, 86-2001, 86-2008, 86-2014, 86-2201 to  
10 86-2214, and 86-2301 to 86-2307, Revised Statutes Supplement, 2001,  
11 and sections 9-812 and 79-1328, Revised Statutes Supplement, 2001,  
12 as amended by sections 1 and 8, respectively, Legislative Bill 3,  
13 Ninety-seventh Legislature, First Special Session, 2001; to  
14 reorganize statutory provisions relating to telecommunications and  
15 technology; to transfer, combine, and eliminate sections; to  
16 eliminate obsolete and expired provisions and penalties; to change  
17 provisions relating to application for and issuance of plates for  
18 handicapped or disabled persons; to authorize the use of electric  
19 personal assistive mobility devices as prescribed; to define and  
20 redefine terms; to prescribe rights and duties under the Nebraska  
21 Rules of the Road; to provide penalties; to change provisions  
22 relating to motor vehicle and trailer auction dealers; to harmonize  
23 provisions; to provide duties for the Revisor of Statutes; to  
24 provide operative dates; to repeal the original sections; and to  
25 outright repeal sections 86-108, 86-110, 86-113, 86-201, 86-202,  
26 86-203, 86-503, 86-602, 86-603, and 86-1220, Reissue Revised  
27 Statutes of Nebraska."

**LEGISLATIVE BILL 1290.** Placed on Select File.

**LEGISLATIVE BILL 1290A.** Placed on Select File.

**LEGISLATIVE BILL 957.** Placed on Select File as amended.

(E & R amendment, AM7219, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**LEGISLATIVE BILL 931.** Placed on Select File as amended.

E & R amendment to LB 931:

AM7218

- 1 1. On page 1, line 3, strike "the"; and in line 4 strike
- 2 "and" and after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 931A.** Placed on Select File.

**LEGISLATIVE RESOLUTION 4CA.** Placed on Select File.

**LEGISLATIVE BILL 1110.** Placed on Select File.

**LEGISLATIVE BILL 863.** Placed on Select File as amended.

E & R amendment to LB 863:

AM7217

- 1 1. On page 1, line 5, strike "and" and after the last
- 2 comma insert "and 81-885.55,".
- 3 2. On page 8, line 14, strike "sections 76-2401 to
- 4 76-2430" and insert "such sections".

**LEGISLATIVE BILL 1062A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **AMENDMENTS - Print in Journal**

Senator Suttle filed the following amendment to LB 958:

AM3445

(Amendments to Standing Committee amendments, AM3100)

- 1 1. On page 9, line 18, strike the first comma and insert
- 2 "or" and strike ", or a nursing assistant".
- 3 2. On page 11, strike beginning with "has" in line 8
- 4 through line 9 and insert "means a nursing facility as defined in
- 5 section 71-424 or a skilled nursing facility as defined in section
- 6 71-429".
- 7 3. On page 12, line 3, after "with" insert "probable".

Senator Brashear filed the following amendment to LB 1085:

(Amendment, AM3494, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Jensen filed the following amendment to LB 1085:  
AM3503

(Amendments to E & R amendments, AM7211)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 77-2602, Revised Statutes
- 3 Supplement, 2001, is amended to read:
- 4 77-2602. (1) Every person engaged in distributing or
- 5 selling cigarettes at wholesale in this state shall pay to the Tax
- 6 Commissioner of this state a special privilege tax. This shall be
- 7 in addition to all other taxes. It shall be paid prior to or at
- 8 the time of the sale, gift, or delivery to the retail dealer in the
- 9 several amounts as follows: On each package of cigarettes
- 10 containing not more than twenty cigarettes, ~~thirty-four~~ sixty-four
- 11 cents per package; and on packages containing more than twenty
- 12 cigarettes, the same tax as provided on packages containing not
- 13 more than twenty cigarettes for the first twenty cigarettes in each
- 14 package and a tax of one-twentieth of the tax on the first twenty
- 15 cigarettes on each cigarette in excess of twenty cigarettes in each
- 16 package. Commencing July 1, 1994, and continuing until July 1,
- 17 ~~2009~~ 2002, the State Treasurer shall place the equivalent of
- 18 twenty-one cents of such tax less three million dollars each fiscal
- 19 year of proceeds of such tax in the General Fund. Commencing July
- 20 1, 2002, and continuing until July 1, 2004, the State Treasurer
- 21 shall place the equivalent of forty-nine cents of such tax less
- 22 three million dollars each fiscal year of proceeds of such tax in
- 23 the General Fund. Commencing July 1, 2004, and continuing until
- 1 July 1, 2009, the State Treasurer shall place the equivalent of
- 2 twenty-one cents of such tax less three million dollars each fiscal
- 3 year of proceeds of such tax in the General Fund. Commencing July
- 4 1, 2009, the State Treasurer shall place the equivalent of
- 5 twenty-one cents of such tax in the General Fund. For purposes of
- 6 this section, the equivalent of a specified number of cents of the
- 7 tax shall mean that portion of the proceeds of the tax equal to the
- 8 specified number divided by ~~thirty-four~~ sixty-four. The State
- 9 Treasurer shall distribute the remaining proceeds of such tax in
- 10 the following order:
- 11 (a) First, beginning July 1, 1980, the State Treasurer
- 12 shall place the equivalent of one cent of such tax in the Nebraska
- 13 Outdoor Recreation Development Cash Fund. For fiscal year
- 14 distributions occurring after FY1998-99, the distribution under
- 15 this subdivision shall not be less than the amount distributed
- 16 under this subdivision for FY1997-98. Any money needed to increase
- 17 the amount distributed under this subdivision to the FY1997-98
- 18 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
- 19 Fund;
- 20 (b) Second, beginning July 1, 1993, the State Treasurer
- 21 shall place the equivalent of three cents of such tax in the
- 22 Department of Health and Human Services Finance and Support Cash
- 23 Fund to carry out sections 81-637 to 81-640. For fiscal year

24 distributions occurring after FY1998-99, the distribution under  
25 this subdivision shall not be less than the amount distributed  
26 under this subdivision for FY1997-98. Any money needed to increase  
27 the amount distributed under this subdivision to the FY1997-98

1 amount shall reduce the ~~twenty-one cent~~ distribution to the General  
2 Fund;

3 (c) Third, beginning July 1, 2001, and continuing until  
4 July 1, 2002, the State Treasurer shall place the equivalent of  
5 five cents of such tax in the Building Renewal Allocation Fund.  
6 Beginning July 1, 2002, and continuing until July 1, 2016, the  
7 State Treasurer shall place the equivalent of seven cents of such  
8 tax in the Building Renewal Allocation Fund. Beginning July 1,  
9 2016, and continuing until all the purposes of the Deferred  
10 Building Renewal Act have been fulfilled, the State Treasurer shall  
11 place the equivalent of five cents of such tax in the Building  
12 Renewal Allocation Fund. The Legislature shall appropriate each  
13 fiscal year all sums inuring to the fund, plus interest earnings  
14 for the Task Force for Building Renewal to be used to carry out its  
15 duties and to fulfill the purposes of the Deferred Building Renewal  
16 Act. Unexpended balances existing at the end of each fiscal year  
17 shall be, and are hereby, reappropriated. For fiscal year  
18 distributions occurring after FY1998-99, the distribution under  
19 this subdivision shall not be less than five-sevenths of the amount  
20 distributed under this subdivision for FY1997-98. Any money needed  
21 to increase the amount distributed under this subdivision to  
22 five-sevenths of the FY1997-98 amount shall reduce the  
23 ~~twenty-one cent~~ distribution to the General Fund;

24 (d) Fourth, until July 1, 2002, the State Treasurer shall  
25 place the difference between the equivalent of thirteen cents of  
26 such tax and the sum of the amounts distributed pursuant to  
27 subdivisions (a) through (c) and (f) through (h) of this subsection  
1 in a special fund to be known as the Nebraska Capital Construction  
2 Fund. Beginning July 1, 2002, and continuing until July 1, 2004,  
3 the State Treasurer shall place the difference between the  
4 equivalent of fifteen cents of such tax and the sum of the amounts  
5 distributed pursuant to subdivisions (a) through (c) and (f)  
6 through (h) of this subsection in the Nebraska Capital Construction  
7 Fund. Beginning July 1, 2004, the State Treasurer shall place the  
8 difference between the equivalent of forty-three cents of such tax  
9 and the sum of the amounts distributed pursuant to subdivisions (a)  
10 through (c) and (f) through (i) of this subsection in the Nebraska  
11 Capital Construction Fund;

12 (e) Fifth, beginning July 1, 1994, and continuing until  
13 July 1, 2009, the State Treasurer shall place in the Municipal  
14 Infrastructure Redevelopment Fund the sum of three million dollars  
15 each fiscal year to carry out the Municipal Infrastructure  
16 Redevelopment Fund Act. The Legislature shall appropriate the sum  
17 of three million dollars each year for fiscal year 1994-95 through  
18 fiscal year 2008-09;



19 (f) Sixth, beginning July 1, 2001, the State Treasurer  
20 shall place the equivalent of two cents of such tax in the  
21 Information Technology Infrastructure Fund;  
22 (g) Seventh, beginning July 1, 2001, and continuing until  
23 June 30, 2016, the State Treasurer shall place one million dollars  
24 each fiscal year in the City of the Primary Class Development Fund.  
25 If necessary, the State Treasurer shall reduce the distribution of  
26 tax proceeds to the General Fund pursuant to this subsection by  
27 such amount required to fulfill the one million dollars to be  
1 distributed pursuant to this subdivision; ~~and~~  
2 (h) Eighth, beginning July 1, 2001, and continuing until  
3 June 30, 2016, the State Treasurer shall place one million five  
4 hundred thousand dollars each fiscal year in the City of the  
5 Metropolitan Class Development Fund. If necessary, the State  
6 Treasurer shall reduce the distribution of tax proceeds to the  
7 General Fund pursuant to this subsection by such amount required to  
8 fulfill the one million five hundred thousand dollars to be  
9 distributed pursuant to this subdivision; ~~and~~  
10 (i) Ninth, beginning July 1, 2004, and continuing until  
11 June 30, 2016, the State Treasurer shall place the equivalent of  
12 twenty-eight cents of such tax each fiscal year in the Nebraska  
13 Health Care Cash Fund. Beginning July 1, 2016, the State Treasurer  
14 shall place the equivalent of thirty cents of such tax each fiscal  
15 year in the Nebraska Health Care Cash Fund.  
16 (2) The Legislature hereby finds and determines that the  
17 projects funded from the Municipal Infrastructure Redevelopment  
18 Fund and the Building Renewal Allocation Fund are of critical  
19 importance to the State of Nebraska. It is the intent of the  
20 Legislature that the allocations and appropriations made by the  
21 Legislature to such funds or, in the case of allocations for the  
22 Municipal Infrastructure Redevelopment Fund, to the particular  
23 municipality's account not be reduced until all contracts and  
24 securities relating to the construction and financing of the  
25 projects or portions of the projects funded from such funds or  
26 accounts of such funds are completed or paid or, in the case of the  
27 Municipal Infrastructure Redevelopment Fund, the earlier of such  
1 date or July 1, 2009, and that until such time any reductions in  
2 the cigarette tax rate made by the Legislature shall be  
3 simultaneously accompanied by equivalent reductions in the amount  
4 dedicated to the General Fund from cigarette tax revenue. Any  
5 provision made by the Legislature for distribution of the proceeds  
6 of the cigarette tax for projects or programs other than those to  
7 (a) the General Fund, (b) the Nebraska Outdoor Recreation  
8 Development Cash Fund, (c) the Department of Health and Human  
9 Services Finance and Support Cash Fund, (d) the Municipal  
10 Infrastructure Redevelopment Fund, (e) the Building Renewal  
11 Allocation Fund, (f) the Information Technology Infrastructure  
12 Fund, (g) the City of the Primary Class Development Fund, ~~and~~ (h)  
13 the City of the Metropolitan Class Development Fund, and (i) the

14 Nebraska Health Care Cash Fund shall not be made a higher priority  
 15 than or an equal priority to any of the programs or projects  
 16 specified in subdivisions (a) through ~~(h)~~ (i) of this subsection.

17 Sec. 14. Section 77-4008, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 77-4008. (1) Commencing on or after January 1, 1988, a  
 20 tax is hereby imposed upon the first owner of tobacco products to  
 21 be sold in this state. The tax shall be ~~fifteen~~ twenty percent of  
 22 (a) the purchase price of such tobacco products paid by the first  
 23 owner or (b) the price at which a first owner who made,  
 24 manufactured, or fabricated the tobacco product sells the items to  
 25 others. Such tax shall be in addition to all other taxes.

26 (2) Whenever any person who is licensed under section  
 27 77-4009 purchases tobacco products from another person licensed  
 1 under section 77-4009, the seller shall be liable for the payment  
 2 of the tax."

3 2. Renumber the remaining sections accordingly and

4 correct the operative date section and the repealer so that the

5 sections added by this amendment become operative on July 1, 2002.

### SELECT FILE

**LEGISLATIVE BILL 687.** E & R amendment, AM7196, printed separately and referred to on page 1027, was adopted.

Senator Stuhr renewed her pending amendment, AM3316, found on page 1203.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

The Stuhr amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

### SENATOR JANSSEN PRESIDING

Senator Stuhr renewed her pending amendment, AM3217, found on page 1208.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Stuhr amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Kristensen offered the following amendment:  
 AM3506

(Amendments to E & R amendments, AM7196)

1 1. Insert the following new section:

- 2 "Sec. 35. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

The Kristensen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

### **SPEAKER KRISTENSEN PRESIDING**

Senators Hudkins and Bourne asked unanimous consent to be excused. No objections. So ordered.

Pending.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 319 and 327 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 319 and 327.

### **SELECT FILE**

**LEGISLATIVE BILL 687.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 564.** E & R amendment, AM7188, printed separately and referred to on page 1027, was adopted.

Senator Baker renewed his pending amendment, AM3284, found on page 1180.

The Baker amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Preister offered the following amendment:  
AM3487

(Amendments to E & R amendments, AM7188)

- 1 1. Insert the following new sections:
- 2 "Sec. 11. Sections 11 to 16 shall be known and may be
- 3 cited as the Sex Offender Loitering Act.
- 4 Sec. 12. For purposes of the Sex Offender Loitering Act:
- 5 (1) Loiter means standing or sitting idly whether or not
- 6 a sex offender is in a vehicle or remaining in or around school
- 7 property; and
- 8 (2) Sex offender means a person convicted in this state
- 9 or any other jurisdiction of any type of sexual assault, offense

10 involving child pornography, or indecent exposure.

11 Sec. 13. (1) It is unlawful for a sex offender to

12 knowingly loiter on a public way within five hundred feet of, or be

13 present in, any public or private school building or real property

14 comprising any school, or in any conveyance owned, leased, or

15 contracted by a public or private school to transport students to

16 or from school or a school-related activity, when persons under the

17 age of eighteen years are present in the building, on the grounds,

18 or in the conveyance, unless the sex offender meets one of the

19 following conditions:

20 (a) The sex offender is the parent or guardian of a

21 student present in the building, on the grounds, or in the

22 conveyance and the sex offender is dropping off or retrieving the

23 biological child from school property;

1 (b) The sex offender is the parent or guardian of a

2 student and has a scheduled meeting with the biological child's

3 teacher or principal; or

4 (c) The sex offender has received permission to be

5 present from the principal or administrator of the school or from

6 the school board. If permission is granted by the administrator of

7 the school or the school board, the principal shall be notified

8 whenever the sex offender will be present on school grounds.

9 Notification includes the nature of the sex offender's visit and

10 the hours in which the sex offender will be present in the school.

11 (2) The sex offender is responsible for notifying the

12 principal's office when he or she arrives on school property and

13 when he or she departs from the school property. If the sex

14 offender is to be present in the vicinity of children, the sex

15 offender has the duty to remain under the direct supervision of a

16 school official.

17 Sec. 14. It is unlawful for a sex offender to knowingly

18 present himself or herself in any public or private school

19 building, real property comprising any school, or in any conveyance

20 owned, leased, or contracted by a school to transport students to

21 or from school or a school-related activity for purposes of seeking

22 employment or volunteering when persons under the age of eighteen

23 years are present in the building or conveyance.

24 Sec. 15. No sex offender required to register under the

25 Sex Offender Registration Act shall reside within one-quarter mile

26 of any public or private school building or real property

27 comprising any school attended by persons under the age of eighteen

1 years. Nothing in this section prohibits a sex offender from

2 residing within the one-quarter mile limit if the property is owned

3 by the sex offender and was purchased before the effective date of

4 this act.

5 Sec. 16. A sex offender who violates the Sex Offender

6 Loitering Act is guilty of a Class IV felony."

7 2. Renumber the remaining section accordingly.

Senator Preister withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Byars	Jones	Quandahl	Synowiecki
Baker	Connealy	Kremer	Raikes	Thompson
Beutler	Dierks	Kristensen	Redfield	Vrtiska
Brashear	Engel	Landis	Robak	Wehrbein
Bromm	Erdman	Pederson, D.	Smith	Wickersham
Brown	Foley	Preister	Stuhr	
Burling	Jensen	Price	Suttle	

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Bruning	Cunningham	McDonald	Schimek
Cudaback	Kruse	Pedersen, Dw.	Schrock

Excused and not voting, 7:

Bourne	Hartnett	Janssen	Tyson
Coordsen	Hudkins	Maxwell	

Advanced to E & R for engrossment with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 460.** E & R amendment, AM7185, found on page 1027, was adopted.

Senators Brashear, Byars, and Cudaback asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Connealy	Kristensen	Quandahl	Suttle
Baker	Engel	Kruse	Raikes	Synowiecki
Beutler	Erdman	Landis	Redfield	Thompson
Bromm	Foley	Pedersen, Dw.	Schimek	Wehrbein
Brown	Jensen	Pederson, D.	Schrock	Wickersham

Bruning	Jones	Preister	Smith
Burling	Kremer	Price	Stuhr

Voting in the negative, 2:

Dierks	Robak
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Present and not voting, 4:

Chambers	Cunningham	McDonald	Vrtiska
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Excused and not voting, 10:

Bourne	Byars	Cudaback	Hudkins	Maxwell
Brashear	Coordsen	Hartnett	Janssen	Tyson

Advanced to E & R for engrossment with 33 ayes, 2 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 400.** Introduced by Brashear, 4; Baker, 44.

**PURPOSE:** In 1999 the Legislature passed Legislative Bill 407, which established the Child Support Commission (Commission) to examine the Child Support Guidelines (Guidelines) of the State of Nebraska. The purpose of the Commission is to review and study the Guidelines and to make recommendations to the Supreme Court (Court) concerning changes thereto.

In 2000 and 2001 the Commission held a series of public hearings across the state in which it considered specified priority areas of focus and developed recommendations contained in the Tier report. The Commission issued reports to the Court in 2000 and 2001 recommending changes to the Guidelines. Later this year, the Court is expected to amend the Guidelines in response to such recommended changes. The Commission continues to consider further recommendations for the Court regarding the Guidelines.

The purpose of this interim study is to determine whether the anticipated changes by the Court warrant a legislative response, specifically regarding appropriate revisions or changes to the statutes that address child support, divorce, and alimony. Additionally, this interim study may provide auxiliary assistance to the Commission in its ongoing efforts regarding the study of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 401.** Introduced by Wehrbein, 2; Wickersham, 49.

**PURPOSE:** The purpose of this resolution is to examine long-term landfill closure monitoring and remediation expenses. During the Ninety-seventh Legislature, Second Session, (2002), the balance of the Solid Waste Landfill Closure Assistance Fund was transferred to the Low-Level Radioactive Waste Cash Fund, effectively eliminating a source of funding for landfill closure and remediation expenses. This study shall examine: (1) The status of the landfill closure process in Nebraska; (2) long-term monitoring programs undertaken by political subdivisions; and (3) the potential for future costly and long-term landfill remediation expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee and the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 402.** Introduced by Dw. Pedersen, 39.

**PURPOSE:** This resolution is to authorize an interim study for the purposes of further in-depth study of the findings of the Legislature in its prior interim study, LR190 (2001). This interim study will provide particular attention to the areas of parole and correctional population management and staffing. The interim study will be performed by a subcommittee appointed by the Judiciary Committee, composed of legislative staff, and shall be completed by December 31, 2002. The interim study will result in a final report to be presented to the Judiciary Committee of the Legislature prior to the convening of the Ninety-eighth Legislature, First Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 403.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

**PURPOSE:** The purpose of this study is to continue and improve work done by the Revenue Committee of the Legislature during past interims to inform the Legislature and other interested parties of Nebraska's tax structure compared with the past and with other states. Carrying out the purposes of this study does not involve conducting public hearings, but should result in one or more reports to the Legislature detailing Nebraska's tax structure. Examples of reports conducted pursuant to this study would include the base and rates of Nebraska's sales, income, property, excise, and miscellaneous taxes in comparison to the past or to other states; spending by the state and local governments compared to that of governments in other states; the effectiveness of tax reform legislation enacted in the past; and financial and tax policy implications of tax reform or restructuring proposals that have been proposed during recent legislative sessions or arise during this interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the staff of the Revenue Committee of the Legislature conduct research and coordinate research conducted by other employees of the Legislative Council or other parts of state government to carry out the purposes of this study.

2. That the legislative staff issue one or more reports pursuant to this study that will assist the Legislature in making decisions in future sessions.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 404.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

**PURPOSE:** This study is to examine the administration, equalization, and utility of the special value that may be assigned to land in agricultural and horticultural use that has value for other nonagricultural and nonhorticultural purposes. This study is to examine the prevalence of special valuation and the administration of the "greenbelt statutes" in various counties in Nebraska and result in proposed legislation to make the administration and application of special valuation more prevalent, understood, and uniform across the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the staff of the Revenue Committee of the Legislature conduct research and coordinate research conducted by other employees of the



Legislative Council or other parts of state government to carry out the purposes of this study.

2. That the legislative staff issue one or more reports pursuant to this study that will assist the Legislature in making decisions in future sessions with regard to special valuation.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 405.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25.

**PURPOSE:** The purpose of this study is to monitor the administration and progress of the Uniform Sales and Use Tax Administration Act, commonly known as the Streamlined Sales and Use Tax System. The study is to inform the Legislature of the number of states participating, the level of participation, any material differences in the authorizing legislation, any federal response, and a timeline for full implementation. This study should also begin the process of drafting the legislation that will be necessary to conform Nebraska's sales and use tax statutes to the requirements of the act and the accompanying agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. A hearing is not necessary to carry out these purposes.

2. That the committee staff shall upon the conclusion of this study issue a report to carry out the purposes of this study, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 406.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

**PURPOSE:** The purpose of this study is to examine historical evidence of the effectiveness of the Employment and Investment Growth Act (LB 775) and to measure critical parameters used by the TRAIN model and the Dynamic TRAIN model. Using an econometric model, this empirical study shall directly measure the effectiveness of LB 775 upon investment and employment since its beginning.

The office of the Legislative Fiscal Analyst use the TRAIN models to investigate how tax credits work under the current Nebraska economy. The TRAIN studies investigated various aspects of economic impacts, including the spin-off impacts on state revenue, the impacts on industrial sectors, and the impacts on income and income distribution. The proposed empirical study shall directly measure the effectiveness of LB 775 upon investment

and employment in Nebraska during the last two decades. The study will be able to measure responsiveness of investment and employment to tax credits, which shall be used to improve the reliability of the TRAIN models. Further, the study team intends publishing the study result in an academic or policy field, which will be subject to rigorous review by the profession.

To complete this study, the office of the Legislative Fiscal Analyst expects that it will take a two-year interim study period with the tentative time schedule as follows:

2002 Interim Period:

- (1) Review literature;
- (2) Set up a basic model and organize data;
- (3) Produce preliminary results; and
- (4) Document a midterm report.

2003 Interim Period:

- (1) Present the result to an economic conference;
- (2) Revise the basic model;
- (3) Set up the extended models for measuring parameters for TRAINs; and
- (4) Document a final report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **LEGISLATIVE RESOLUTION 407.** Introduced by Bourne, 8.

**PURPOSE:** To examine state law relating to the usage of In Transit decals on motor vehicles. This study should include, but not be limited to, an examination of an In Transit policy that is applied uniformly to all car purchases, a comprehensive review of other states' laws with respect to In Transit decals, the ability to compel motor vehicle owners to obtain the required proof of financial responsibility through the use of In Transit decals, the most effective method of distribution of In Transit decals with respect to private party purchases, the accountability of distributors of In Transit decals obtained through fraudulent means, and the cost and effectiveness of a centralized system for tracking In Transit decals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative

Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 408.** Introduced by Bourne, 8.

PURPOSE: To examine the investment advisors utilized by the Nebraska Investment Council and the state investment officer in carrying out the duties and responsibilities required under the Nebraska State Funds Investment Act. This study shall include, but not be limited to, the examination of current policy with respect to contracting with local companies in conducting state business, the number of investment advisors currently overlooked for contractual services with the Nebraska Investment Council due to size and competitive ability, the existence of local investment advisors that meet or exceed national standards, and the development of a policy by the Nebraska Investment Council with respect to utilizing Nebraska-based investment advisors when practicable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 1003:  
AM3510

(Amendments to AM3126)

- 1 1. On page 2, line 15, after "threatened" insert "or, if  
2 the subject species' range extends over more than five counties, in  
3 a newspaper of statewide circulation distributed in the county"; in  
4 line 17 strike "and state agencies" and insert ", the Department of  
5 Agriculture, the Department of Environmental Quality, and the  
6 Department of Natural Resources"; and in line 19 strike "county,"  
7 and strike the second comma.
- 8 2. On page 3, line 3, after the semicolon insert "and";  
9 and strike beginning with the semicolon in line 12 through "37-807"  
10 in line 21.
- 11 3. On page 4 strike beginning with "and" in line 1  
12 through "subsection" in line 2; and strike beginning with "and" in  
13 line 5 through the comma in line 7.

Senators Wehrbein and Jensen filed the following amendment to LB 1062A:

## AM3505

1 1. Insert the following new sections:

2 "Sec. 2. Laws 2001, LB 543, section 95, as amended by  
3 section 69, Legislative Bill 1, Ninety-seventh Legislature, First  
4 Special Session, 2001, and section 68, Legislative Bill 1309,  
5 Ninety-seventh Legislature, Second Session, 2002, is amended to  
6 read:

7 Sec. 95. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND  
8 HUMAN SERVICES

9 Program No. 33 - Administration

10	FY2001-02	FY2002-03
11	<del>GENERAL FUND</del> 46,367,805	45,470,877
12	<u>GENERAL FUND</u> 46,367,805	46,711,229
13	CASH FUND 8,196,470	1,360,040
14	FEDERAL FUND est. 55,247,699	64,192,252
15	<del>PROGRAM TOTAL</del> 109,811,974	111,023,169
16	<u>PROGRAM TOTAL</u> 109,811,974	112,263,521
17	SALARY LIMIT 66,804,350	69,666,183

18 There is included in the appropriation to this program

19 for FY2001-02 \$6,836,430 Cash Funds for repayment of federal audit  
20 exceptions or for federally mandated information systems  
21 modifications or enhancements.

22 Sec. 3. Original Laws 2001, LB 543, section 95, as  
23 amended by section 69, Legislative Bill 1, Ninety-seventh  
24 Legislature, First Special Session, 2001, and section 68,  
1 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,  
2 2002, is repealed."

3 2. Insert underscoring to section 1.

Senator Connealy filed the following amendment to LB 1040:

## AM3484

1 1. In the E & R amendments, AM7210, strike amendment 1

2 and renumber the remaining amendment.

3 2. Strike the Brashear amendment, FA949.

4 3. On page 2, lines 12, 16, 20, 24, and 28; page 3,  
5 lines 4, 8, 12, 16, 20, 24, and 28; page 4, lines 4, 8, 12, 16, 20,  
6 24, and 28; page 5, lines 3, 10, 13, 16, 19, and 28; page 6, lines  
7 3, 11, 15, 19, 23, and 27; page 7, lines 3, 7, 11, 15, 19, 23, and  
8 27; and page 8, lines 3, 7, 11, and 15, strike "General" and insert  
9 "Department of Motor Vehicles Cash".

10 4. On page 8, line 20, strike "156,756.56" and insert

11 "142,412.06"; and in line 21 strike "19,641.50" and insert

12 "33,986.00".

## VISITORS

Visitors to the Chamber were 24 fourth-grade students and teachers from Trinity Lutheran Elementary School, Grand Island.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

**ADJOURNMENT**

At 6:15 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 2002.

Patrick J. O'Donnell  
Clerk of the Legislature

